

**1983**  
**SESSION LAWS**  
OF THE  
**STATE OF WASHINGTON**

REGULAR SESSION  
FORTY-EIGHTH LEGISLATURE  
Convened January 10, 1983. Adjourned April 24, 1983.

1st EXTRAORDINARY SESSION  
FORTY-EIGHTH LEGISLATURE  
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FORTY-EIGHTH LEGISLATURE  
Convened May 25, 1983. Adjourned May 25, 1983.



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DENNIS W. COOPER  
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 five dollars 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) Vetoeed matter is *printed in italics.*
- (b) Pertinent excerpts of the governor's explanation of partial vetoes 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 1983 regular session to be July 24, 1983 (midnight July 23). The pertinent date for the Laws of the 1983 1st Extraordinary session is August 23, 1983 (midnight August 22). The pertinent date for the Laws of the 1983 2nd Extraordinary session is August 24, 1983 (midnight August 23).
- (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 of the 1983 Regular, 1st Extraordinary, and 2nd Extraordinary sessions, and pertinent tables, may be found at the back of Volume 3 of the pamphlet edition and at the back of the permanent bound edition.



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## CHAPTER 1

[Engrossed House Bill No. 1]

## UNEMPLOYMENT COMPENSATION—"ON" INDICATOR—6 PERCENT TRIGGER

An ACT Relating to unemployment compensation; amending section 2, chapter 1, Laws of 1971 as last amended by section 2, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.22.010; and declaring an emergency.

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

Sec. 1. Section 2, chapter 1, Laws of 1971 as last amended by section 2, chapter 18, Laws of 1982 1st ex. sess. 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 a week for which there is an "on" indicator; and

(b) Ends with the third week after the first week for which there is an "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 an "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state.

(2) There is an "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) either:

(a) Equalled 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 equalled or exceeded five percent; or

(b) Equalled or exceeded six percent: **PROVIDED**, That the six percent trigger shall apply only until April 30, 1984.

(3) There is an "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) was either:

(a) Less than five percent; or

(b) Five percent or more but less than six 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: **PROVIDED**, That the six percent trigger shall apply only until April 30, 1984.

(4) "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.

(5) "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 regular or additional benefits.

(6) "Additional benefits" are 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.

(7) "Eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an extended benefit period that is in effect in this state and, if his or her benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(8) An "additional benefit period" means a period within an extended benefit period which:

(a) Begins with the third week after a week for which:

(i) The governor determines that adverse economic conditions and high unemployment among the state's workers necessitate payment of additional benefits; and

(ii) The commissioner determines that, for the fifty-two consecutive weeks ending with such week, the rate of insured unemployment as calculated under (d) of this subsection equals or exceeds six and one-half percent: PROVIDED, That six percent shall apply if the fifty-two week rate of insured unemployment has been less than four and one-half percent at any time within the preceding one hundred four weeks.

(b) Ends with the third week after a week for which the commissioner determines that, for the fifty-two consecutive weeks ending with such week, the rate of insured unemployment as calculated under (d) of this subsection is less than six and one-half percent: PROVIDED, That six percent shall apply if the additional benefit period began because of the proviso in (a)(ii) of this subsection, the fifty-two week rate of insured unemployment has not exceeded six and one-half percent during the additional benefit period, and the additional benefit period has been in effect for fewer than thirty-six weeks.

(c) No additional benefit period may last for a period of less than thirteen weeks, and no additional benefit period may begin before the fourteenth week after the close of a prior additional benefit period.

(d) "Rate of insured unemployment," for the purposes of (a) and (b) of this subsection, 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 fifty-two 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 fifty-two week period. The division shall be carried to the fourth decimal place with any remaining fraction disregarded.

(e) If a federally funded program of benefits is established which provides for benefits beyond thirty-nine weeks, any additional benefit period in effect shall terminate on the last day of the week preceding the effective week of the federal program. No additional benefit period may begin while such a federal program is in effect.

(9) "Additional benefit eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an additional benefit period that is in effect and, if his or her benefit year ends within such additional benefit period, any weeks thereafter which begin in such period.

(10) "Exhaustee" means an individual who, with respect to any week of unemployment in his or her eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were payable to him or her 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 or her 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 or her 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 or her current benefit year that includes such week, after the cancellation of some or all of his or her wage credits or the total or partial reduction of his or her rights to regular benefits: PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his or her current benefit year all of the regular benefits that were payable to him or her, or available to him or her, 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 or her current benefit year, he or she may subsequently be determined to be entitled to more regular benefits; or

(ii) By reason of the seasonal provisions of another state law, he or she is not entitled to regular benefits with respect to such week of unemployment (although he or she may be entitled to regular benefits with respect to future weeks of unemployment in the next season, as the case may be, in his or her current benefit year), and he or she is otherwise an exhaustee within

the meaning of this section with respect to his or her 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 or her during such year because his or her wage credits were canceled or his or her right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His or her benefit year having ended prior to such week, he or she has insufficient wages or employment, or both, on the basis of which he or she 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 or she 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 Canada, unless the appropriate agency finally determines that he or she is not entitled to unemployment benefits under such law for such week.

(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.

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 January 17, 1983.

Passed the Senate January 21, 1983.

Approved by the Governor January 28, 1983.

Filed in Office of Secretary of State January 28, 1983.

## CHAPTER 2

[Senate Bill No. 3036]

### DOUBLE AMENDMENTS—CORRECTED

AN ACT Relating to the correction of various state statutes necessitated by the amendment or repeal thereof in two or more laws which were enacted without reference to the other; re-enacting and amending section 19, chapter 192, Laws of 1909 as last amended by section 1, chapter 51, Laws of 1982 and by section 3, chapter 195, Laws of 1982 and RCW 18-.71.030; reenacting section 3, chapter 92, Laws of 1959 as last amended by section 1, chapter 134, Laws of 1982 and by section 5, chapter 30, Laws of 1982 1st ex. sess. and

RCW 18.92.021; reenacting section 1, chapter 286, Laws of 1957 as last amended by section 34, chapter 182, Laws of 1982 and by section 1, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.010; reenacting section 14, chapter 286, Laws of 1957 as last amended by section 36, chapter 182, Laws of 1982 and by section 2, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.140; reenacting section 15, chapter 286, Laws of 1957 as last amended by section 37, chapter 182, Laws of 1982 and by section 3, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.150; reenacting and amending section 113, chapter 53, Laws of 1965 as last amended by section 42, chapter 35, Laws of 1982 and by section 3, chapter 45, Laws of 1982 and RCW 23A.32.050; reenacting section 28A.59-.180, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 158, Laws of 1982 and by section 11, chapter 191, Laws of 1982 and RCW 28A.59.180; reenacting section 3, chapter 240, Laws of 1977 ex. sess. as last amended by section 18, chapter 299, Laws of 1981 and by section 6, chapter 6, Laws of 1982 and RCW 34.08.020; reenacting section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 6, chapter 344, Laws of 1981 and by section 2, chapter 34, Laws of 1982 1st ex. sess. and RCW 41.05-.050; reenacting section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 1, chapter 162, Laws of 1982 and by section 4, chapter 205, Laws of 1982 and by section 16, chapter 227, Laws of 1982 and RCW 43.24.085; reenacting section 43.38.010, chapter 8, Laws of 1965 as last amended by section 12, chapter 30, Laws of 1982 1st ex. sess. and by section 1, chapter 41, Laws of 1982 1st ex. sess. and RCW 43.38.010; reenacting section 46.52.100, chapter 12, Laws of 1961 as last amended by section 81, chapter 136, Laws of 1979 ex. sess. and by section 4, chapter 176, Laws of 1979 ex. sess. and RCW 46.52.100; reenacting section 1, chapter 30, Laws of 1974 ex. sess. as last amended by section 10, chapter 109, Laws of 1982 and by section 8, chapter 201, Laws of 1982 and RCW 51.32.040; reenacting section 7, chapter 31, Laws of 1979 as amended by section 5, chapter 32, Laws of 1982 and by section 4, chapter 132, Laws of 1982 and RCW 67.16-.180; reenacting section 1, chapter 171, Laws of 1982 and section 6, chapter 189, Laws of 1982 and RCW 69.50.505; reenacting section 33, chapter 255, Laws of 1927 as last amended by section 3, chapter 27, Laws of 1982 and by section 11, chapter 222, Laws of 1982 and RCW 79.01.132; reenacting section 46, chapter 255, Laws of 1927 as last amended by section 1, chapter 27, Laws of 1982 and by section 156, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.184; reenacting section 84.52.052, chapter 15, Laws of 1961 as last amended by section 19, chapter 123, Laws of 1982 and by section 7, chapter 175, Laws of 1982 and by section 17, chapter 22, Laws of 1982 1st ex. sess. and RCW 84.52.052; repealing section 1, chapter 175, Laws of 1969 ex. sess., section 1, chapter 258, Laws of 1981, section 1, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.41.025; providing effective dates; and declaring an emergency.

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

Sec. 1. Section 19, chapter 192, Laws of 1909 as last amended by section 1, chapter 51, Laws of 1982 and by section 3, chapter 195, Laws of 1982 and RCW 18.71.030 are each reenacted and amended to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

- (1) The furnishing of medical assistance in cases of emergency requiring immediate attention;
- (2) The domestic administration of family remedies;
- (3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter 28A.31 RCW, as now or hereafter amended;

(4) The practice of dentistry, osteopathy, osteopathy and surgery, nursing, chiropractic, podiatry, optometry, drugless therapeutics or any other healing art licensed under the methods or means permitted by such license;

(5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him by the laws and regulations of the United States;

(6) The practice of medicine by any practitioner licensed by another state or territory in which he resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;

(7) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the board: PROVIDED, HOWEVER, That the performance of such services be only pursuant to a regular course of instruction or assignments from his instructor, or that such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(8) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state: PROVIDED, That the performance of such services shall be only pursuant to his duties as a trainee;

(9) The practice of medicine by a person who is regularly enrolled in a physician's assistant program approved by the board: PROVIDED, HOWEVER, That the performance of such services be only pursuant to a regular course of instruction in said program: AND PROVIDED FURTHER, That such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(10) The practice of medicine by a registered physician's assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter;

(11) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof;

((++)) (12) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the board of medical examiners: PROVIDED, That a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist: AND PROVIDED FURTHER, That the medical disciplinary board shall have

jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to the provisions of chapter 18.72 RCW.

Sec. 2. Section 3, chapter 92, Laws of 1959 as last amended by section 1, chapter 134, Laws of 1982 and by section 5, chapter 30, Laws of 1982 1st ex. sess. and RCW 18.92.021 are each reenacted to read as follows:

(1) There is created a Washington state veterinary board of governors consisting of six members, five of whom shall be licensed veterinarians, and one of whom shall be a lay member.

(2) The licensed members shall be appointed by the governor. At the time of their appointment the licensed members of the board must be actual residents of the state in active practice as licensed practitioners of veterinary medicine, surgery, and dentistry and must be citizens of the United States. Not more than one licensed member shall be from the same congressional district. The board shall not be deemed to be unlawfully constituted and a member of the board shall not be deemed ineligible to serve the remainder of the member's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts.

The terms of the first licensed members of the board shall be as follows: One member for five, four, three, two, and one years respectively. Thereafter the terms shall be for five years and until their successors are appointed and qualified.

(3) The lay member shall be appointed by the governor for a five year term and until the lay member's successor is appointed.

(4) A member may be appointed to serve a second term, if that term does not run consecutively. Vacancies in the board shall be filled by the governor, the appointee to hold office for the remainder of the unexpired term.

(5) Officers of the board shall be a chairman and a secretary-treasurer to be chosen by the members of the board from among its members.

(6) Four members of the board shall constitute a quorum at meetings of the board.

Sec. 3. Section 1, chapter 286, Laws of 1957 as last amended by section 34, chapter 182, Laws of 1982 and by section 1, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.010 are each reenacted to read as follows:

When used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Person" means and includes any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, municipal corporation, or other political subdivision of this state, trust, receiver, trustee, fiduciary and conservator.

(2) "Wholesaler" includes any person who:

(a) Purchases cigarettes directly from the manufacturer, or

(b) Purchases cigarettes from any other person who purchases from or through the manufacturer, for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only, or

(c) Services retail outlets by the maintenance of an established place of business for the purchase of cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes.

Nothing contained herein shall prevent a person from qualifying in different capacities as both a "wholesaler" and "retailer" under the applicable provisions of this chapter.

(3) "Retailer" means and includes any person who operates a store, stand, booth, concession, or vending machine for the purpose of making sales of cigarettes at retail.

(4) "Cigarettes" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(5) "Sale" means any transfer for a consideration, exchange, barter, gift, offer for sale and distribution, in any manner, or by any means whatsoever.

(6) "Sell at wholesale", "sale at wholesale" and "wholesale" sales mean and include any bona fide transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or in the usual conduct of the wholesaler's business, to a retailer for the purpose of resale.

(7) "Sell at retail", "sale at retail" and "retail sales" mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the seller's business, to the purchaser for consumption or use.

(8) "Basic cost of cigarettes" means the invoice cost of cigarettes to the retailer or wholesaler, as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as the case may be, in the quantity last purchased, whichever is lower, less all trade discounts except customary discounts for cash, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this state and by ordinance of any municipality thereof, now in effect or hereafter enacted, if not already included by the manufacturer in his list price.

(9) (a) The term "cost to the wholesaler" means the "basic cost of cigarettes" to the wholesaler plus the "cost of doing business by the wholesaler" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said wholesalers "cost of doing business" bears to said wholesalers dollar volume for all products sold by the wholesaler per annum, and said "cost of doing business by the wholesaler" shall be evidenced



and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes". Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the wholesaler per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) For the purposes of this chapter the "cost of doing business" may not be computed using a percentage less than the overall percentage shown in subsection (9)(a) of this section or in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the "cost of doing business by the wholesaler" shall be presumed to be four percent of the "basic cost of cigarettes" to the wholesaler, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost, shall be deemed to be one-half of one percent of the "basic cost of cigarettes" to the wholesaler.

(10) (a) The term "cost to the retailer" means the "basic cost of cigarettes" to the retailer plus the "cost of doing business by the retailer" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said retailers "cost of doing business" bears to said retailers dollar volume per annum, and said "cost of doing business by the retailer" shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes": PROVIDED, That any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in determining "cost to the retailer", pursuant to this subdivision, add the "cost of doing business by the wholesaler," as defined in subdivision (9) of this section, to the "basic cost of cigarettes" to said retailer, as well as the "cost of doing business by the retailer". Any fractional part of a cent

amounting to one-tenth of one cent or more in cost to the retailer per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the "cost of doing business by the retailer" shall be presumed to be ten percent of the "basic cost of cigarettes" to the retailer.

(c) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business, the "cost of doing business by the retailer", who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be ten percent of the sum of the "basic cost of cigarettes" and the "cost of doing business by the wholesaler".

(11) "Business day" means any day other than a Sunday or a legal holiday.

(12) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

Sec. 4. Section 14, chapter 286, Laws of 1957 as last amended by section 36, chapter 182, Laws of 1982 and by section 2, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.140 are each reenacted to read as follows:

A fee of six hundred fifty dollars shall accompany each wholesaler's license application or license renewal application. If a wholesaler sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license with a license fee of one hundred fifteen dollars shall be required for each additional place of business. Each license, or certificate thereof, and such other evidence of license as the department of revenue shall require, shall be exhibited in the place of business for which it is issued and in such manner as is prescribed for the display of a master license. The department of revenue shall require each licensed wholesaler to file with him a bond in an amount not less than one thousand dollars to guarantee the proper performance of his duties and the discharge of his liabilities under this chapter. The bond shall be executed by such licensed wholesaler as principal, and by a corporation approved by the department of revenue and authorized to engage in business as a surety company in this state, as surety. The bond shall run concurrently with the wholesaler's license.

Sec. 5. Section 15, chapter 286, Laws of 1957 as last amended by section 37, chapter 182, Laws of 1982 and by section 3, chapter 16, Laws of

1982 1st ex. sess. and RCW 19.91.150 are each reenacted to read as follows:

A fee of ten dollars shall accompany each retailer's license application or license renewal application. A fee of one additional dollar for each vending machine shall accompany each application or renewal for a license issued to a retail dealer operating a cigarette vending machine.

Sec. 6. Section 113, chapter 53, Laws of 1965 as last amended by section 42, chapter 35, Laws of 1982 and by section 3, chapter 45, Laws of 1982 and RCW 23A.32.050 are each reenacted and amended to read as follows:

A foreign corporation, in order to procure a certificate of authority to transact business in this state, shall make application therefor to the secretary of state, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the name of the corporation does not contain the word "corporation", "company", "incorporated", or "limited", or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this state.

(3) The date of incorporation and the period of duration of the corporation.

(4) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(5) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this state.

(6) The names and respective addresses of the directors and officers of the corporation.

(7) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any within a class.

(8) A statement that a registered agent has been appointed and the name and address of such agent, and that a registered office exists and the address of such registered office is identical to that of the registered agent.

(9) The number of shares of capital stock which the company is authorized to issue and the par value of each share, and if such shares have no par value, then the value of the assets represented by nonpar shares.

(10) The portion of the capital stock of the company which is represented or to be represented, employed or to be employed in its business transacted or to be transacted in the state of Washington.

(11) The value of the property in or to be brought into, and the amount of capital to be used by the company in the state of Washington and the value of the property and capital owned or used by the company outside of the state of Washington.

(12) The date of the beginning of its current annual accounting period.

(13) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine whether such corporation is entitled to a certificate of authority to transact business in this state and to determine and assess the fees payable as in this title prescribed.

~~((+0))~~ (14) For any foreign agricultural cooperative association, evidence that the association has complied with the provisions of RCW 24.32.2:0.

Such application shall be made in the form prescribed by the secretary of state and shall be executed in duplicate by the corporation by one of its officers.

Such application shall be accompanied by a certificate of good standing which has been issued no more than sixty days before the date of filing of the application for a certificate of authority to do business in this state and has been certified to by the proper officer of the state or country under the laws of which it is incorporated.

Sec. 7. Section 28A.59.180, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 158, Laws of 1982 and by section 11, chapter 191, Laws of 1982 and RCW 28A.59.180 are each reenacted to read as follows:

Every board of directors of a school district of the first class, in addition to the general powers for directors enumerated in chapter 28A.58 RCW or elsewhere in this title, shall have the power:

(1) To employ for a term of not exceeding three years a superintendent of schools of the district, and for cause to dismiss him; and to fix his duties and compensation.

(2) To employ, and for cause dismiss one or more assistant superintendents and to define their duties and fix their compensation.

(3) To employ a business manager, attorneys, architects, inspectors of construction, superintendents of buildings and a superintendent of supplies, all of whom shall serve at the board's pleasure, and to prescribe their duties and fix their compensation.

(4) To employ, and for cause dismiss, supervisors of instruction and to define their duties and fix their compensation.

(5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study prepared by the state board of education for the use of the common schools of this state.

(6) To, in addition to the minimum requirements imposed by Title 28A RCW, as now or hereafter amended, establish and maintain such grades and departments, including night, high, kindergarten, vocational training and, except as otherwise provided by law, industrial schools, and schools and departments for the education and training of any class or classes of handicapped youth, as in the judgment of the board, best shall promote the interests of education in the district.

(7) To determine the length of time over and above one hundred eighty days that school shall be maintained; PROVIDED, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; and to fix the time for annual opening and closing of schools and for the daily dismissal of pupils before the regular time for closing schools.

(8) To maintain a shop and repair department, and to employ, and for cause dismiss, a foreman and the necessary help for the maintenance and conduct thereof.

(9) To provide free textbooks and supplies for all children attending school, when so ordered by a vote of the electors; or if the free textbooks are not voted by the electors, to provide books for children of indigent parents, on the written statement of the city superintendent that the parents of such children are not able to purchase them.

(10) To require of the officers or employees of the district to give a bond for the honest performance of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district: PROVIDED, That the board may, by written policy, allow that such bonds may include a deductible proviso not to exceed two percent of the officer's or employee's annual salary.

(11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts.

(12) To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district who shall serve at the board's pleasure; he or authorized deputies shall make monthly inspections of each school in the district and report the condition of the same to the board of education and board of health: PROVIDED, That children shall not be required to submit to vaccination against the will of their parents or guardian.

Sec. 8. Section 3, chapter 240, Laws of 1977 ex. sess. as last amended by section 18, chapter 299, Laws of 1981 and by section 6, chapter 6, Laws of 1982 and RCW 34.08.020 are each reenacted to read as follows:

There is hereby created a state publication to be called the Washington State Register, which shall be published on no less than 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) (a) 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 may 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;

(b) The small business economic impact statement, if required by RCW 19.85.030, preceding the full text of the proposed new or amendatory rule;

(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;

(5) Rules of the state supreme court which have been adopted but not yet published in an official permanent codification;

(6) Summaries of attorney general opinions and letter opinions, noting the number, date, subject, and other information, and prepared by the attorney general for inclusion in the register; and

(7) Juvenile disposition standards and security guidelines proposed and adopted under RCW 13.40.030.

Sec. 9. Section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 6, chapter 344, Laws of 1981 and by section 2, chapter 34, Laws of 1982 1st ex. sess. and RCW 41.05.050 are each reenacted 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 provision for school district personnel shall not be made under this chapter.

(3) The trustee with the assistance of the department of personnel shall survey private industry and public employers in the state of Washington to determine the average employer contribution and the average level of benefits for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be conducted during each even-numbered year but may be conducted more frequently. The survey shall be reported to the board for its use in setting the amount of the recommended employer contribution to the employee insurance benefit program covered by this chapter. The board shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 10. Section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 1, chapter 162, Laws of 1982 and by section 4, chapter 205, Laws of 1982 and by section 16, chapter 227, Laws of 1982 and RCW 43-.24.085 are each reenacted to read as follows:

It shall be the policy of the state of Washington that the director of licensing shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or registration of professions, occupations, or businesses, administered by the business and professions administration in the department of licensing. In fixing said fees the director shall, insofar as is practicable, fix the fees relating to each profession, occupation, or business in such a manner that the income from each will match the anticipated expenses to be incurred in the administration of the laws relating to each such profession, occupation, or business. All such fees shall be fixed by rule adopted by the director in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW: PROVIDED, That

(1) In no event shall the license or registration renewal fee in the following cases be fixed at an amount in excess of forty dollars:

- (a) Auctioneer trainee;
- (b) Barber;
- (c) Student barber;
- (d) Cosmetologist (manager-operator);
- (e) Cosmetologist (operator);
- (f) Cosmetologist (instructor-operator);
- (g) Apprentice embalmer;
- (h) Manicurist;
- (i) Apprentice funeral director;
- (j) Registered nurse;

- (k) Licensed practical nurse;
- (l) Permit barber;
- (m) Manicurist (manager-operator);
- (n) Animal technician; and

(2) In no event shall the license or registration renewal fee in the following cases be fixed at an amount in excess of fifty dollars:

- (a) Dental hygienist;
- (b) Barber instructor;
- (c) Barber manager instructor;
- (d) Psychologist;
- (e) Embalmer;
- (f) Funeral director;
- (g) Veterinarian;
- (h) Cosmetology shop;
- (i) Barber shop;
- (j) Physician's assistant;
- (k) Osteopathic physician's assistant;
- (l) Certified registered nurse;
- (m) Physical therapist;
- (n) Manicurist shop; and

(3) In no event shall the license or registration renewal fee in the following cases be fixed at an amount in excess of one hundred dollars:

- (a) Architect;
- (b) Dentist;
- (c) Engineer;
- (d) Land surveyor;
- (e) Midwife;
- (f) Podiatrist;
- (g) Chiropractor;
- (h) Drugless therapeutic;
- (i) Osteopathic physician;
- (j) Osteopathic physician and surgeon;
- (k) Physician and surgeon;
- (l) Optometrist;
- (m) Dispensing optician;
- (n) Landscape architect;
- (o) Nursing home administrator;
- (p) Hearing aid fitter;
- (q) Massage operator;
- (r) Massage business owner/operator;
- (s) Ocularist; and

(4) In no event shall the license or registration renewal fee in the following cases be fixed at an amount in excess of three hundred dollars:

- (a) Auctioneer;



- (b) Engineer corporation;
- (c) Engineer partnership;
- (d) Cosmetology school;
- (e) Barber school;
- (f) Debt adjuster agency;
- (g) Debt adjuster branch office;
- (h) Debt adjuster;
- (i) Employment agency;
- (j) Employment agency branch office;
- (k) Collection agency;
- (l) Collection agency branch office;
- (m) Funeral establishment;
- (n) Massage business.

Sec. 11. Section 43.38.010, chapter 8, Laws of 1965 as last amended by section 12, chapter 30, Laws of 1982 1st ex. sess. and by section 1, chapter 41, Laws of 1982 1st ex. sess. and RCW 43.38.010 are each reenacted to read as follows:

There is hereby created a tax advisory council to consist of twelve members to be appointed by the governor. Members shall be chosen who represent the major segments of the state's economy, and at least one member shall be chosen from each congressional district of the state now or hereafter existing. In addition, the president of the senate and the speaker of the house of representatives shall each appoint two members, one from each caucus of the respective house. Members shall serve without pay at the pleasure of the governor but shall be paid travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended incurred in their travel to and from meetings of the council and while attending all meetings of the council. Legislative members shall be reimbursed for travel expenses as provided in RCW 44.04.120.

The council shall not be deemed to be unlawfully constituted and a member of the council shall not be deemed ineligible to serve on the board solely by reason of the establishment of new or revised boundaries for congressional districts. However, appointments made after the effective date of such establishment shall be from congressional districts which are not represented on the council.

Sec. 12. Section 46.52.100, chapter 12, Laws of 1961 as last amended by section 81, chapter 136, Laws of 1979 ex. sess. and by section 4, chapter 176, Laws of 1979 ex. sess. and RCW 46.52.100 are each reenacted to read as follows:

Every justice of the peace, police judge, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court, or a traffic violations bureau, and shall keep a record of every official action by

said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every said traffic complaint, citation, or notice of infraction deposited with or presented to the justice of the peace, police judge, superior court, or traffic violations bureau.

The Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had, bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of said court covering the case, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any finding involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

If the driver at the time of the offense charged was without a driver's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

Sec. 13. Section 1, chapter 30, Laws of 1974 ex. sess. as last amended by section 10, chapter 109, Laws of 1982 and by section 8, chapter 201, Laws of 1982 and RCW 51.32.040 are each reenacted to read as follows:

No money paid or payable under this title shall, except as provided for in RCW 74.04.530 or 74.20A.260, 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, unless the transfer is to a financial institution at the request of a worker or other beneficiary and in accordance with RCW 51.32.045 shall be made: PROVIDED, That if any 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 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 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 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 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 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 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 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. 14. Section 7, chapter 31, Laws of 1979 as amended by section 5, chapter 32, Laws of 1982 and by section 4, chapter 132, Laws of 1982 and RCW 67.16.180 are each reenacted to read as follows:

(1) Race meets of twenty-five days or less, which run sixty percent quarter horses and/or Appaloosa races and/or Arabian races, may retain fourteen percent from the gross receipts of any parimutuel machine; except that exotic races at such meets shall be permitted to retain an additional one percent of the gross receipts of all parimutuel pools during such exotic races with the additional retained amount used for Washington bred breeder awards, not to exceed twenty percent of the winner's share of the purse. Any portion of the remainder of the one percent may be used to support the general purse structure of the race meet, except that all such increased revenue to the licensee to be used for purses will be in addition to and will not supplant the customary purse structure between racetracks and participating horsemen. As used in this section, "exotic races" means daily doubles, quinellas, trifectas, and exactas. Exotic races are subject to the approval of the commission.

(2) For race meets of twenty-five days or less, which run sixty percent quarter horses and/or Appaloosa races and/or Arabian races, the licensee shall pay to the commission daily one percent of the gross receipts of all parimutuel machines at each race meet. Such one percent shall be paid daily.

Sec. 15. Section 1, chapter 171, Laws of 1982 and section 6, chapter 189, Laws of 1982 and RCW 69.50.505 are each reenacted 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(d);

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(v) When the owner of a conveyance has been arrested under this chapter the conveyance may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(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;

(6) All drug paraphernalia; and

(7) All moneys, negotiable instruments, securities, or other intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter: PROVIDED, That no property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent.

(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 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) 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) or (a)(7) 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) or (a)(7) 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 where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, 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 Title 34 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) or (a)(7) of this section. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(4) or (a)(7) 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 and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Fifty percent of the money remaining after payment of such expenses shall be deposited in the criminal justice training account established under RCW 43.101.210 which shall be appropriated by law to the Washington state criminal justice training commission and fifty percent shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency;

(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.

(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.

(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.

(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.

Sec. 16. Section 33, chapter 255, Laws of 1927 as last amended by section 3, chapter 27, Laws of 1982 and by section 11, chapter 222, Laws of 1982 and RCW 79.01.132 are each reenacted to read as follows:

When any timber, fallen timber, stone, gravel, or other valuable material on state lands is sold separate from the land, it may be sold as a lump sum sale or as a scale sale: PROVIDED, That upon the request of the purchaser, any lump sum sale over five thousand dollars appraised value shall

be on the installment plan. Lump sum sales under five thousand dollars appraised value shall be paid for in cash. The initial deposits required in RCW 79.01.204, not to exceed twenty-five percent of the actual or projected purchase price, but in the case of lump sum sales over five thousand dollars not less than five thousand dollars, shall be made on the day of the sale. The purchaser shall notify the department of natural resources before any timber is cut and before removal or processing of any valuable materials on the sale area, at which time the department of natural resources may require, in the amount determined by the department, advance payment for the removal, processing, and/or cutting of timber or other valuable materials, or bank letters of credit, payment bonds, or assignments of savings accounts acceptable to the department as adequate security. The amount of such advance payments and/or security shall at all times equal or exceed the value of timber cut and other valuable materials processed or removed until paid for. The initial deposit shall be maintained until all contract obligations of the purchaser are satisfied: **PROVIDED HOWEVER**, That all or a portion of said initial deposit may be applied as the final payment for said materials in the event the department of natural resources determines that adequate security exists for the performance or fulfillment of any remaining obligations of the purchaser under the sale contract.

In all cases where timber, fallen timber, stone, gravel, or other valuable material is sold separate from the land, the same shall revert to the state if not removed from the land within the period specified in the sale contract. Said specified period shall not exceed five years from the date of the purchase thereof: **PROVIDED**, That the specified periods in the sale contract for stone, sand, fill material, or building stone shall not exceed twenty years: **PROVIDED FURTHER**, That in all cases where, in the judgment of the department of natural resources, the purchaser is acting in good faith and endeavoring to remove such materials, the department of natural resources may extend the time for the removal thereof for any period not exceeding twenty years from the date of purchase for the stone, sand, fill material or building stone or for a total of ten years beyond the normal termination date specified in the original sale contract for all other material, upon payment to the state of a sum to be fixed by the department of natural resources, based on the estimated loss of income per acre to the state resulting from the granting of the extension but in no event less than fifty dollars per extension, plus interest on the unpaid portion of the contract. The interest rate shall be fixed, from time to time, by rule adopted by the board of natural resources and shall not be less than six percent per annum. The applicable rate of interest as fixed at the date of sale and the maximum extension payment shall be set forth in the contract. The method for calculating the unpaid portion of the contract upon which such interest shall be paid by the purchaser shall be set forth in the contract. The department of natural resources shall pay into the state treasury all sums received for such extension



and the same shall be credited to the fund to which was credited the original purchase price of the material so sold: **AND PROVIDED FURTHER**, That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of one thousand dollars or less may be sold directly to the applicant for cash at full appraised value without notice or advertising.

The provisions of this section apply unless otherwise provided by statute.

Sec. 17. Section 46, chapter 255, Laws of 1927 as last amended by section 1, chapter 27, Laws of 1982 and by section 156, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.184 are each reenacted to read as follows:

When the department of natural resources shall have decided to sell any state lands or valuable materials thereon, or with the consent of the board of regents of the University of Washington, or by legislative directive, shall have decided to sell any lot, block, tract, or tracts of university lands, or the timber, fallen timber, stone, gravel, or other valuable material thereon it shall be the duty of the department to forthwith fix the date, place, and time of sale, and no sale shall be had on any day which is a legal holiday.

The department shall give notice of the sale by advertisement published once a week for four weeks next before the time it shall name in said notice, in at least one newspaper published and of general circulation in the county in which the whole, or any part of any lot, block, or tract of land to be sold, or the material upon which is to be sold is situated, and by causing a copy of said notice to be posted in a conspicuous place in the department's Olympia office and the area headquarters administering such sale and in the office of the county auditor of such county, which notice shall specify the place and time of sale, the appraised value thereof, and describe with particularity each parcel of land to be sold, or from which valuable materials are to be sold, and in case of material sales the estimated volume thereof, and specify that the terms of sale will be posted in the area headquarters and the department's Olympia office: **PROVIDED**, That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of one thousand dollars or less may be sold directly to the applicant for cash at the full appraised value without notice or advertising.

**NEW SECTION.** Sec. 18. Section 17 of this act shall take effect on July 1, 1983.

Sec. 19. Section 84.52.052, chapter 15, Laws of 1961 as last amended by section 19, chapter 123, Laws of 1982 and by section 7, chapter 175, Laws of 1982 and by section 17, chapter 22, Laws of 1982 1st ex. sess. and RCW 84.52.052 are each reenacted 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, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public hospital district, road district, rural county library district, island 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, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium and convention district in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 64 and as thereafter amended, at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium and convention district, 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. 20. Section 1, chapter 175, Laws of 1969 ex. sess., section 1, chapter 258, Laws of 1981, section 1, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.41.025 are each repealed, effective July 1, 1984.

NEW SECTION. Sec. 21. 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. 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. Sections 1 through 16 and 19 of this act shall take effect immediately.

## EXPLANATORY NOTE

Various state statutes have been amended or repealed by two or more acts of the legislature, each act enacted without reference to the other. The purpose of this act is to give effect to these enactments by reenacting or repealing the statutory sections involved in those cases in which there is no substantive conflict between the acts. This act and explanatory material are pursuant to RCW 1.08.025.

Section 1. RCW 18.71.030 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 51 § 1 added a new subsection (11) dealing with the administration of non-dental anesthesia.

(2) 1982 c 195 § 3 added a new subsection (3) dealing with the administration of oral medication to students.

Section 2. RCW 18.92.021 was amended twice during the 1982 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1982 c 134 § 1 amended subsection (5) to modify the qualifications of the officers of the state veterinary board of governors, and added a new subsection (6) to establish a quorum requirement for the board.

(2) 1982 1st ex.s. c 30 § 5 amended subsection (2) to preserve the eligibility of board members following the establishment of new congressional boundaries.

Section 3. RCW 19.91.010 was amended twice during the 1982 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1982 c 182 § 34 added a new subsection (12) defining "master license system."

(2) 1982 1st ex.s. c 16 § 1 made extensive amendments to subsections (8), (9), and (10)(a) containing definitions of "basic cost of cigarettes," "cost to the wholesaler," and "cost to the retailer."

Section 4. RCW 19.91.140 was amended twice during the 1982 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1982 c 182 § 36 amended the first and third sentences of the section to place the cigarette wholesaler license under the state master license system under chapter 19.02 RCW.

(2) 1982 1st ex.s. c 16 § 2 increased the cigarette wholesaler license fee from three hundred to six hundred fifty dollars, and the fee for each additional place of business from twenty-five to one hundred fifteen dollars.

Section 5. RCW 19.91.150 was amended twice during the 1982 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1982 c 182 § 37 extensively amended the section to make the cigarette retailer license application and renewal process consistent with the state master license system under chapter 19.02 RCW.

(2) 1982 1st ex.s. c 16 § 3 increased the cigarette retailer license fee from five to ten dollars.

Section 6. RCW 23A.32.050 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 35 § 42 added new subsections (9), (10), (11), and (12) to require additional information of a foreign corporation submitting an application for a certificate of authority to transact business in this state. In addition, the material following these subsections was amended to modify the manner in which the application is to be submitted.

(2) 1982 c 45 § 3 added a new subsection (10), which is renumbered (14) by this act, requiring foreign agricultural cooperative associations to file evidence of compliance with marketing contract requirements under RCW 24.32.210.

Section 7. RCW 28A.59.180 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 158 § 6 amended subsection (6) to add ", in addition to the minimum requirements imposed by Title 28A RCW, as now or hereafter amended,".

(2) 1982 c 191 § 11 amended subsection (10) to modify performance bonds that may be required of officers and employees of first class school districts.

Section 8. RCW 34.08.020 was amended twice during the 1981 and 1982 regular sessions of the legislature, the latter without reference to the former.

(1) 1981 c 299 § 18 added a new subsection (7) requiring the Washington State Register to publish juvenile disposition standards and security guidelines under RCW 13.40.030.

(2) 1982 c 6 § 6 added a new subsection (1)(b) requiring the Washington State Register to publish a small business economic impact statement, if required by RCW 19.85.030, preceding the text of rules proposed to be adopted by state agencies.

Section 9. RCW 41.05.050 was amended twice during the 1981 regular and 1982 first extraordinary sessions, the latter without reference to the former.

(1) 1981 c 344 § 6 deleted a proviso in subsection (2) which read "... nothing herein shall be a limitation on employees employed under chapter 47.64 RCW...."

(2) 1982 1st ex.s. c 34 § 2 amended subsection (3), modifying the frequency and scope of the survey of contribution and benefit levels for group insurance programs under the state employees insurance board.

Section 10. RCW 43.24.085 was amended three times during the 1982 regular session of the legislature, each without reference to the others.

(1) 1982 c 162 § 1 added permit barber, manicurist (manager-operator), and animal technician to the list of occupational licenses in subsection (1). In subsection (2), sanitarian, proprietary school agent, and specialized and advance registered nurse were deleted, while certified registered nurse, physical therapist, and manicurist shop were added. In subsection (3), massage operator, massage business owner/operator, and ocularist were added and physical therapist was deleted. In subsection (4), proprietary school was deleted and funeral establishment and massage business were added. In each subsection, the minimum license or registration renewal fee was eliminated and the maximum fee was increased. In addition, punctuation throughout the section was revised and subparagraphs were lettered.

(2) 1982 c 205 § 4 added auctioneer trainee to the list in subsection (1) and added auctioneer to the list in subsection (4).

(3) 1982 c 227 § 16 deleted charitable organization and professional solicitor from the list in subsection (1) and deleted professional fund raiser from the list in subsection (4).

Section 11. RCW 43.38.010 was amended twice during the 1982 first extraordinary session of the legislature, each without reference to the other.

(1) 1982 1st ex.s. c 30 § 12 added the second paragraph of the section to preserve the eligibility of the members of the tax advisory council following the establishment of new congressional boundaries.

(2) 1982 1st ex.s. c 41 § 1 amended the first paragraph of the section to reduce from fifteen to twelve the number of members appointed by the governor, added four legislative members to the council, and provided for reimbursement of their travel expenses.

Section 12. RCW 46.52.100 was amended twice during the 1979 extraordinary session of the legislature, each without reference to the other.

(1) 1979 ex.s. c 136 § 81 extensively amended the section to reflect the decriminalization of traffic offenses.

(2) 1979 ex.s. c 176 § 4 deleted the adjective "narcotic" from the reference to drugs to the eighth paragraph of the section and deleted a subsequent paragraph prescribing penalties for a second conviction for operating a vehicle while under the influence of alcohol or drugs. The penalties are now found in RCW 46.61.515.

Section 13. RCW 51.32.040 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 109 § 10 amended the second sentence of the section to add ", unless the transfer is to a financial institution at the request of a worker or other beneficiary and in accordance with RCW 51.32.045 shall be made."

(2) 1982 c 201 § 8 added the reference to RCW 74.04.530 in the first sentence of the section.

Section 14. RCW 67.16.180 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 32 § 5 amended subsection (1) to add all material following the first semicolon in the subsection.

(2) 1982 c 132 § 4 added "and/or Arabian races" in both subsections (1) and (2) of the section.

Section 15. RCW 69.50.505 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 171 § 1 amended the RCW 69.50.401 subsection reference in subsection (a)(4)(iii), added new subsections at (a)(4)(v) and (a)(7), and extensively amended subsection (f)(2) to modify the allocation of the proceeds from property and money forfeited under the section.

(2) 1982 c 189 § 6 also amended the RCW 69.50.401 subsection reference in subsection (a)(4)(iii) and amended the second sentence in subsection (e) to designate the law enforcement officer charged with conducting the administrative hearings under subsection (e).

Section 16. RCW 79.01.132 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 27 § 3 amended the first paragraph of the section to add "bank letters of credit," to the list of security that may be required by the department of natural resources for contracts under the section. In addition, the maximum appraised value of unadvertised sales under the section was increased from five hundred to one thousand dollars.

(2) 1982 c 222 § 11 added as a third paragraph of the section the statement "The provisions of this section apply unless otherwise provided by statute."

Section 17. RCW 79.01.184 was amended twice during the 1982 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1982 c 27 § 1 deleted references to posting notices of public sales in district headquarters of the department of natural resources, and substituted the area headquarters of the department. In addition, the maximum appraised value of unadvertised sales under the section was increased from five hundred to one thousand dollars.

(2) 1982 1st ex.s. c 21 § 156, which takes effect July 1, 1983, substituted "state lands" for "public lands" in the first sentence of the section.

Section 19. RCW 84.52.052 was amended three times during the 1982 regular and first extraordinary sessions of the legislature, each without reference to the others.

(1) 1982 c 123 § 19 added "island library district" in three places in the section to the list of political subdivisions authorized to levy taxes under the section.

(2) 1982 c 175 § 7 added "solid waste disposal district" in three places in the section to the list of political subdivisions authorized to levy taxes under the section.

(3) 1982 1st ex.s. c 22 § 17 added "cultural arts, stadium and convention district" in two places in the section to the list of political subdivisions authorized to levy taxes under the section.

Section 20. RCW 9.41.025 was amended by 1982 c 47 § 1 without cognizance of its repeal by 1981 c 137 § 38 and by 1982 c 10 § 17, both effective July 1, 1984.

Passed the Senate January 18, 1983.

Passed the House January 28, 1983.

Approved by the Governor February 3, 1983.

Filed in Office of Secretary of State February 3, 1983.

## CHAPTER 3

[Engrossed Senate Bill No. 3037]

### OBSOLETE STATUTORY REFERENCES CORRECTED

AN ACT Relating to obsolete statutory references in the Revised Code of Washington; amending section 2, chapter 126, Laws of 1913 and RCW 2.32.200; amending section 5, chapter 126, Laws of 1913 as last amended by section 1, chapter 261, Laws of 1975 1st ex. sess. and RCW 2.32.240; amending section 103, chapter 299, Laws of 1961 and RCW 3.58.040; amending section 5, page 300, Laws of 1877 as amended by section 1228, Code of 1881 and RCW 4.24.050; amending section 6, page 300, Laws of 1877 as amended by section 1229, Code of 1881 and RCW 4.24.060; amending section 351, page 91, Laws of 1869 as last amended by section 1, chapter 193, Laws of 1981 and RCW 6.04.100; amending section 16, chapter 172, Laws of 1935 as amended by section 12, chapter 124, Laws of 1961 and RCW 9.41.160; amending section 4, page 99, Laws of 1890 and RCW 9.45.230; amending section 18, chapter 133, Laws of 1955 and RCW 9.95.190; amending section 1046, Code of 1881 as amended by section 1, chapter 10, Laws of 1957 and RCW

10.40.070; amending section 11.36.010, chapter 145, Laws of 1965 and RCW 11.36.010; amending section 14, chapter 155, Laws of 1979 and RCW 13.04.300; amending section 6, chapter 160, Laws of 1913 as last amended by section 40, chapter 155, Laws of 1979 and RCW 13.34.070; amending section 7, chapter 150, Laws of 1955 and RCW 14.20.070; amending section 9, chapter 150, Laws of 1955 and RCW 14.20.090; amending section 1, chapter 83, Laws of 1961 and RCW 15.14.010; amending section 15.32.100, chapter 11, Laws of 1961 as amended by section 3, chapter 58, Laws of 1963 and RCW 15.32.100; amending section 15.60.080, chapter 11, Laws of 1961 and RCW 15.60.080; amending section 2, chapter 160, Laws of 1957 as amended by section 14, chapter 154, Laws of 1979 and RCW 16.36.095; amending section 14, chapter 149, Laws of 1955 as last amended by section 18, chapter 21, Laws of 1982 and RCW 18.22.215; amending section 20, chapter 216, Laws of 1961 and RCW 19.86.920; amending section 2, chapter 186, Laws of 1923 and RCW 22.28.020; amending section 6, chapter 312, Laws of 1959 and RCW 24.36.060; amending section 9, chapter 312, Laws of 1959 and RCW 24.36.090; amending section 7, chapter 215, Laws of 1971 ex. sess. as amended by section 5, chapter 92, Laws of 1974 ex. sess. and RCW 28A.02.240; amending section 2, chapter 46, Laws of 1973 as last amended by section 3, chapter 158, Laws of 1982 and RCW 28A.41.130; amending section 28A.44.045, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.045; amending section 28A.44.095, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.095; amending section 28A.57.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 78, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.020; amending section 28A.57.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.120; amending section 28A.57.324, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 43, Laws of 1975 and RCW 28A.57.324; amending section 10, chapter 131, Laws of 1969 as amended by section 7, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.435; amending section 28A.58.230, chapter 223, Laws of 1969 ex. sess. as amended by section 9, chapter 130, Laws of 1969 and RCW 28A.58.230; amending section 1, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.010; amending section 1, chapter 129, Laws of 1973 and RCW 28B.50.095; amending section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 285, Laws of 1971 ex. sess. and RCW 28C.04.230; amending section 29.13.021, chapter 9, Laws of 1965 as amended by section 10, chapter 126, Laws of 1979 ex. sess. and RCW 29.13.021; amending section 29.21.085, chapter 9, Laws of 1965 as amended by section 88, chapter 176, Laws of 1969 ex. sess. and RCW 29.21.085; amending section 29.27.010, chapter 9, Laws of 1965 and RCW 29.27.010; amending section 29.68.120, chapter 9, Laws of 1965 as amended by section 7, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.120; amending section 30.12.190, chapter 33, Laws of 1955 and RCW 30.12.190; amending section 2, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.020; amending section 1, chapter 124, Laws of 1959 and RCW 30.99.010; amending section 10, chapter 124, Laws of 1959 and RCW 30.99.100; amending section 3, chapter 162, Laws of 1963 and RCW 31.24.030; amending section 15, chapter 162, Laws of 1963 and RCW 31.24.150; amending section 32.12.020, chapter 13, Laws of 1955 as last amended by section 28, chapter 192, Laws of 1981 and RCW 32.12.020; amending section 35.13.280, chapter 7, Laws of 1965 and RCW 35.13.280; amending section 35.20.900, chapter 7, Laws of 1965 as amended by section 5, chapter 33, Laws of 1975 and RCW 35.20.900; amending section 35.39.050, chapter 7, Laws of 1965 and RCW 35.39.050; amending section 35.92.100, chapter 7, Laws of 1965 as last amended by section 48, chapter 56, Laws of 1970 ex. sess. and RCW 35.92.100; amending section 35A.20.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.150; amending section 35A.21.161, chapter 119, Laws of 1967 ex. sess. and RCW 35A.21.161; amending section 35A.27.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.27.010; amending section 35A.28.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.28.010; amending section 35A.37.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.37.010; amending section 35A.40.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.040; amending section 35A.40.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.050; amending section 35A.40.200, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.200; amending section 35A.41.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.41.020; amending section 35A.42.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.42.050; amending section 35A.47.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.47.020; amending section 35A.47.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.47.030; amending section 35A.58.030, chapter 119, Laws of 1967 ex. sess. as amended by section 9, chapter 251, Laws of 1971 ex. sess. and RCW 35A.58.030; amending

section 35A.69.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.69.010; amending section 35A.79.010, chapter 119, Laws of 1967 ex. sess. as amended by section 3, chapter 30, Laws of 1979 ex. sess. and RCW 35A.79.010; amending section 35A.81.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.81.010; amending section 35A.82.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.82.010; amending section 35A.88.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.88.030; amending section 9, chapter 94, Laws of 1969 and RCW 36.26.090; amending section 36.32.240, chapter 4, Laws of 1963 as last amended by section 1, chapter 52, Laws of 1974 ex. sess. and RCW 36.32.240; amending section 36.64.060, chapter 4, Laws of 1963 and RCW 36.64.060; amending section 36.67.030, chapter 4, Laws of 1963 and RCW 36.67.030; amending section 36.69.200, chapter 4, Laws of 1963 and RCW 36.69.200; amending section 36.77.070, chapter 4, Laws of 1963 and RCW 36.77.070; amending section 18, chapter 72, Laws of 1967 as amended by section 8, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.180; amending section 7, chapter 233, Laws of 1963 and RCW 40.06.070; amending section 8, chapter 246, Laws of 1957 and RCW 40.14.080; amending section 10, chapter 102, Laws of 1971 ex. sess. and RCW 40.14.180; amending section 1, chapter 78, Laws of 1949 and RCW 41.04.040; amending section 2, chapter 78, Laws of 1949 and RCW 41.04.050; amending section 7, chapter 237, Laws of 1969 ex. sess. and RCW 41.04.220; amending section 1, chapter 73, Laws of 1975 1st ex. sess. and RCW 41.04.235; amending section 1, chapter 39, Laws of 1970 ex. sess. as last amended by section 2, chapter 125, Laws of 1979 and RCW 41.05.010; amending section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 1, chapter 34, Laws of 1982 1st ex. sess. and RCW 41.05.025; amending section 1, chapter 71, Laws of 1959 and RCW 41.20.160; amending section 9, chapter 207, Laws of 1939 as amended by section 2, chapter 211, Laws of 1969 ex. sess. and RCW 41.28.080; amending section 7, chapter 151, Laws of 1972 ex. sess. as amended by section 10, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.193; amending section 27, chapter 274, Laws of 1947 as last amended by section 9, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.260; amending section 5, chapter 195, Laws of 1974 ex. sess. as amended by section 97, chapter 169, Laws of 1977 ex. sess. and RCW 41.40.515; amending section 11, chapter 105, Laws of 1975-'76 2nd ex. sess. as amended by section 8, chapter 294, Laws of 1981 and RCW 41.50.090; amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020; amending section 11, chapter 215, Laws of 1969 ex. sess. as last amended by section 18, chapter 87, Laws of 1980 and RCW 41.56.420; amending section 3, chapter 145, Laws of 1972 ex. sess. and RCW 43.08.135; amending section 43.19.015, chapter 8, Laws of 1965 as amended by section 2, chapter 115, Laws of 1981 and RCW 43.19.015; amending section 1, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1901; amending section 8, chapter 242, Laws of 1967 and RCW 43.27A.080; amending section 43.30.090, chapter 8, Laws of 1965 and RCW 43.30.090; amending section 2, chapter 63, Laws of 1970 ex. sess. as amended by section 1, chapter 69, Laws of 1980 and RCW 43.43.610; amending section 14, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.765; amending section 6, chapter 120, Laws of 1967 as amended by section 5, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.675; amending section 46.08.180, chapter 12, Laws of 1961 as amended by section 7, chapter 120, Laws of 1967 and RCW 43.51.680; amending section 15, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.905; amending section 43.85.190, chapter 8, Laws of 1965 as amended by section 21, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.190; amending section 12, chapter 5, Laws of 1965 and RCW 43.99.120; amending section 6, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.041; amending section 1, chapter 129, Laws of 1974 ex. sess. and RCW 43.105.080; amending section 4, chapter 156, Laws of 1965 as amended by section 115, chapter 158, Laws of 1979 and RCW 46.01.040; amending section 11, chapter 200, Laws of 1973 1st ex. sess. as amended by section 144, chapter 158, Laws of 1979 and RCW 46.16.605; amending section 2, chapter 112, Laws of 1969 and RCW 46.37.540; amending section 62, chapter 145, Laws of 1967 ex. sess. and RCW 46.44.038; amending section 1, chapter 63, Laws of 1975 1st ex. sess. and RCW 46.44.150; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 9, chapter 342, Laws of 1981 and RCW 46.68.030; amending section 46.70.090, chapter 12, Laws of 1961 as last amended by section 4, chapter 152, Laws of 1981 and RCW 46.70.090; amending section 52, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.335; amending section 1, chapter 78, Laws of 1977 ex. sess. and RCW 47.12.063; amending section 47.52.080, chapter 13, Laws of 1961 and RCW 47.52.080; amending section 47.56.220, chapter 13, Laws of 1961 as last amended by section 19, chapter 212, Laws of 1979 ex. sess. and

RCW 47.56.220; amending section 47.56.270, chapter 13, Laws of 1961 and RCW 47.56.270; amending section 1, chapter 50, Laws of 1965 and RCW 47.56.271; amending section 6, chapter 197, Laws of 1963 and RCW 47.56.705; amending section 7, chapter 197, Laws of 1963 and RCW 47.56.706; amending section 47.60.115, chapter 13, Laws of 1961 and RCW 47.60.115; amending section 47.60.150, chapter 13, Laws of 1961 as amended by section 5, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.150; amending section 47.60.290, chapter 13, Laws of 1961 as amended by section 6, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.290; amending section 47.60.310, chapter 13, Laws of 1961 as amended by section 1, chapter 29, Laws of 1977 and RCW 47.60.310; amending section 21, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.380; amending section 5, chapter 9, Laws of 1961 ex. sess. as last amended by section 7, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.440; amending section 1, chapter 166, Laws of 1977 ex. sess. and RCW 47.60.650; amending section 14, chapter 165, Laws of 1947 and RCW 47.68.140; amending section 7, chapter 252, Laws of 1945 as amended by section 16, chapter 165, Laws of 1947 and RCW 47.68.160; amending section 2, chapter 207, Laws of 1967 and RCW 47.68.233; amending section 3, chapter 207, Laws of 1967 and RCW 47.68.236; amending section 24, chapter 165, Laws of 1947 and RCW 47.68.240; amending section 33, chapter 165, Laws of 1947 and RCW 47.68.330; amending section 4, chapter 263, Laws of 1961 and RCW 47.68.360; amending section .10.30, chapter 79, Laws of 1947 and RCW 48.10.300; amending section .11.14, chapter 79, Laws of 1947 as amended by section 2, chapter 225, Laws of 1959 and RCW 48.11.140; amending section 5, chapter 104, Laws of 1969 as last amended by section 2, chapter 157, Laws of 1979 and RCW 48.18A.050; amending section 31, chapter 70, Laws of 1965 and RCW 48.21A.050; amending section .25.10, chapter 79, Laws of 1947 and RCW 48.25.100; amending section .25.11, chapter 79, Laws of 1947 and RCW 48.25.110; amending section 10, chapter 199, Laws of 1979 ex. sess. and RCW 48.30.157; amending section .32.37, chapter 79, Laws of 1947 and RCW 48.36.370; amending section 3, chapter 51, Laws of 1973 and RCW 49.12.123; amending section 8, chapter 294, Laws of 1959 as amended by section 117, chapter 81, Laws of 1971 and RCW 49.46.080; amending section 12, chapter 265, Laws of 1951 and RCW 50.20.115; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 44, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.060; amending section 1, chapter 176, Laws of 1953 as amended by section 2, chapter 101, Laws of 1972 ex. sess. and RCW 52.12.110; amending section 1, chapter 29, Laws of 1925 as last amended by section 57, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.070; amending section 18, chapter 114, Laws of 1929 as last amended by section 73, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.20.100; amending section 2, chapter 263, Laws of 1957 as last amended by section 17, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.410; amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 26, Laws of 1982 1st ex. sess. and RCW 66.28.040; amending section 43, chapter 247, Laws of 1943 and RCW 68.20.020; amending section 10, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.100; amending section 2, chapter 190, Laws of 1943 as amended by section 2, chapter 46, Laws of 1945 and RCW 70.12.040; amending section 15, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.010; amending section 16, chapter 277, Laws of 1971 ex. sess. as amended by section 2, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.020; amending section 17, chapter 277, Laws of 1971 ex. sess. as amended by section 3, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.030; amending section 9, chapter 32, Laws of 1951 as amended by section 2, chapter 86, Laws of 1972 ex. sess. and RCW 70.79.090; amending section 1, chapter 38, Laws of 1977 ex. sess. and RCW 70.94.041; amending section 31, chapter 238, Laws of 1967 as last amended by section 1, chapter 59, Laws of 1974 ex. sess. and RCW 70.94.181; amending section 40, chapter 238, Laws of 1967 and RCW 70.94.232; amending section 4, chapter 41, Laws of 1971 ex. sess. and RCW 70.104.040; amending section 8, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.030; amending section 71.12.590, chapter 25, Laws of 1959 and RCW 71.12.590; amending section 3, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.030; amending section 4, chapter 110, Laws of 1967 ex. sess. as amended by section 3, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.040; amending section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 5, chapter 155, Laws of 1980 and RCW 71.20.110; amending section 72.01.260, chapter 28, Laws of 1959 as amended by section 156, chapter 141, Laws of 1979 and RCW 72.01.260; amending section 8, chapter 122, Laws of 1967 ex. sess. as last amended by section 97,



chapter 136, Laws of 1981 and RCW 72.15.060; amending section 6, chapter 287, Laws of 1959 as amended by section 293, chapter 141, Laws of 1979 and RCW 72.70.060; amending section 4, chapter 298, Laws of 1957 and RCW 72.99.100; amending section 6, chapter 298, Laws of 1957 as amended by section 37, chapter 278, Laws of 1975 1st ex. sess. and RCW 72.99.120; amending section 3, chapter 51, Laws of 1973 1st ex. sess. as amended by section 2, chapter 137, Laws of 1980 and RCW 74.08.550; amending section 4, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.560; amending section 24, chapter 228, Laws of 1963 and RCW 74.12.280; amending section 1, chapter 172, Laws of 1967 as amended by section 70, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.010; amending section 1, chapter 253, Laws of 1969 ex. sess. as amended by section 1, chapter 141, Laws of 1979 ex. sess. and RCW 75.24.100; amending section 1, chapter 100, Laws of 1963 as amended by section 1, chapter 49, Laws of 1971 ex. sess. and RCW 76.01.060; amending section 1, chapter 47, Laws of 1969 ex. sess. and RCW 76.12.072; amending section 77.16.020, chapter 36, Laws of 1955 as last amended by section 3, chapter 310, Laws of 1981 and RCW 77.16.020; amending section 4, chapter 45, Laws of 1899 and RCW 78.08.075; amending section 5, chapter 45, Laws of 1899 and RCW 78.08.080; amending section 12, chapter 45, Laws of 1899 and RCW 78.08.115; amending section 3, chapter 56, Laws of 1965 and RCW 79.01.618; amending section 1, chapter 184, Laws of 1955 and RCW 79.08.170; amending section 2, chapter 85, Laws of 1923 and RCW 79.28.050; amending section 6, chapter 178, Laws of 1961 and RCW 79.64.060; amending section 7, chapter 178, Laws of 1961 and RCW 79.64.070; amending section 2, chapter 110, Laws of 1974 ex. sess. as last amended by section 13, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.175; amending section 81.24.050, chapter 14, Laws of 1961 and RCW 81.24.050; amending section 81.40.030, chapter 14, Laws of 1961 and RCW 81.40.030; amending section 81.44.050, chapter 14, Laws of 1961 and RCW 81.44.050; amending section 81.44.060, chapter 14, Laws of 1961 and RCW 81.44.060; amending section 81.53.220, chapter 14, Laws of 1961 and RCW 81.53.220; amending section 48, chapter 26, Laws of 1967 ex. sess. as last amended by section 50, chapter 209, Laws of 1979 ex. sess. and RCW 82.03.190; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 8, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.290; amending section 82.04.300, chapter 15, Laws of 1961 as last amended by section 4, chapter 196, Laws of 1979 ex. sess. and RCW 82.04.300; amending section 82.08.170, chapter 15, Laws of 1961 and RCW 82.08.170; amending section 2, chapter 296, Laws of 1971 ex. sess. as last amended by section 1, chapter 163, Laws of 1980 and RCW 82.14.045; amending section 7, chapter 157, Laws of 1972 ex. sess. as amended by section 1, chapter 22, Laws of 1975 1st ex. sess. and RCW 82.24.260; amending section 82.26.100, chapter 15, Laws of 1961 and RCW 82.26.100; amending section 82.32.010, chapter 15, Laws of 1961 as amended by section 12, chapter 148, Laws of 1981 and RCW 82.32.010; amending section 82.32.020, chapter 15, Laws of 1961 and RCW 82.32.020; amending section 82.32.070, chapter 15, Laws of 1961 as amended by section 2, chapter 89, Laws of 1967 ex. sess. and RCW 82.32.070; amending section 82.32.300, chapter 15, Laws of 1961 as amended by section 90, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.300; amending section 2, chapter 22, Laws of 1963 ex. sess. as last amended by section 225, chapter 158, Laws of 1979 and RCW 82.37.020; amending section 10, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.100; amending section 16, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.160; amending section 17, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.170; amending section 2, chapter 87, Laws of 1970 ex. sess. as amended by section 2, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.020; amending section 1, chapter 249, Laws of 1963 and RCW 84.40.031; amending section 2, chapter 249, Laws of 1963 and RCW 84.40.032; amending section 30, chapter 176, Laws of 1913 as last amended by section 9, chapter 46, Laws of 1923 and RCW 85.08.410; amending section 2, chapter 125, Laws of 1975 1st ex. sess. and RCW 88.16.180; decodifying RCW 11.20.021, 11.28.111, 43.59.100, 43.59.110, 43.59.120, 51.44.034, 69.32.010, 69.32.030, 69.32.060, 69.32.096, 69.32.900, 69.32.910, 69.32.920, 69.32.930, 69.32.940, 69.32.950, and 69.32.960; repealing section 228, chapter 249, Laws of 1909 and RCW 9.47.130; repealing section 4, chapter 9, Laws of 1975-'76 2nd ex. sess. and RCW 9A.32.900; repealing section 5, chapter 9, Laws of 1975-'76 2nd ex. sess. and RCW 9A.32.901; repealing section 50, chapter 63, Laws of 1969 and RCW 15.49.910; repealing section 39, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.920; repealing section 1, chapter 107, Laws of 1981 and RCW 28B.10.205; repealing section 29.13.015, chapter 9, Laws of 1965 and RCW 29.13.015; repealing section 10, chapter

284, Laws of 1969 ex. sess. and RCW 43.27A.075; repealing section 43.30.140, chapter 8, Laws of 1965 and RCW 43.30.140; repealing section 1, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.20.660; repealing section 3, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.20.664; repealing section 23, chapter 3, Laws of 1963 ex. sess., section 17, chapter 195, Laws of 1971 ex. sess. and RCW 47.60.045; repealing section 6, chapter 90, Laws of 1961 and RCW 68.08.290; and repealing section 82.04.420, chapter 15, Laws of 1961 and RCW 82.04.420.

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

Sec. 1. Section 2, chapter 126, Laws of 1913 and RCW 2.32.200 are each amended to read as follows:

It shall be the duty of each official reporter appointed under RCW 2.32.180 through ((~~2.32.320~~)) 2.32.310 to attend every term of the superior court in the county or judicial district for which he is appointed, at such times as the judge presiding may direct; and upon the trial of any cause in any court, if either party to the suit or action, or his attorney, request the services of the official reporter, the presiding judge shall grant such request, or upon his own motion such presiding judge may order a full report of the testimony, exceptions taken, and all other oral proceedings; in which case the official reporter shall cause accurate shorthand notes of the oral testimony, exceptions taken, and other oral proceedings had, to be taken, except when the judge and attorneys dispense with his services with respect to any portion of the proceedings therein, which notes shall be filed in the office of the clerk of the superior court where such trial is had.

EXPLANATORY NOTE: RCW 2.32.320 was repealed by 1959 c 263 § 14. The reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 2. Section 5, chapter 126, Laws of 1913 as last amended by section 1, chapter 261, Laws of 1975 1st ex. sess. and RCW 2.32.240 are each amended to read as follows:

(1) When a record has been taken in any cause as provided in RCW 2.32.180 through ((~~2.32.320~~)) 2.32.310, if the court, or either party to the suit or action, or his attorney, request a transcript, the official reporter and clerk of the court shall make, or cause to be made, with reasonable diligence, full and accurate transcript of the testimony and other proceedings, which shall, when certified to as hereinafter provided, be filed with the clerk of the court where such trial is had for the use of the court or parties to the action. The fees of the reporter and clerk of the court for making such transcript shall be fixed in accordance with costs as allowed in cost bills in civil cases by the supreme court of the state of Washington, and when such transcript is ordered by any party to any suit or action, said fee shall be paid forthwith by the party ordering the same, and in all cases where a transcript is made as provided for under the provisions of RCW 2.32.180 through ((~~2.32.320~~)) 2.32.310 the cost thereof shall be taxable as costs in the case, and shall be so taxed as other costs in the case are taxed: PROVIDED, That when, from and after December 20, 1973, a party has been

judicially determined to have a constitutional right to a transcript and to be unable by reason of poverty to pay for such transcript, the court may order said transcript to be made by the official reporter, which transcript fee therefor shall be paid by the state upon submission of appropriate vouchers to the clerk of the supreme court.

EXPLANATORY NOTE: RCW 2.32.320 was repealed by 1959 c 263 § 14. The reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 3. Section 103, chapter 299, Laws of 1961 and RCW 3.58.040 are each amended to read as follows:

Justices of the peace, justices of the peace pro tempore, court commissioners and justice court employees shall receive their reasonable traveling expenses when engaged in the business of the court as provided ~~((by RCW 36.17.030 as now or hereafter amended))~~ in chapter 42.24 RCW.

EXPLANATORY NOTE: RCW 36.17.030 was repealed by 1974 ex.s. c 24 § 1. The reference to this section has been amended to refer to chapter 42.24 RCW which governs payment of travel expenses to officers and employees of municipal corporations and political subdivisions of the state. The phrase "as now or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

Sec. 4. Section 5, page 300, Laws of 1877 as amended by section 1228, Code of 1881 and RCW 4.24.050 are each amended to read as follows:

Persons engaged in driving lumber upon any waters or streams of this state, may kindle fires when necessary for the purposes in which they are engaged, but shall be bound to use the utmost caution to prevent the same from spreading and doing damage; and if they fail so to do, they shall be subject to all liabilities and penalties of RCW 4.24.040, 4.24.050, and 4.24.060, ~~((9.40.060, 9.40.070, and 9.40.080;))~~ in the same manner as if the privilege granted by this section had not been allowed.

EXPLANATORY NOTE: RCW 9.40.060, 9.40.070, and 9.40.080 were repealed by 1975 1st ex.s. c 260 § 9A.92.010. The references to these sections have been deleted.

Sec. 5. Section 6, page 300, Laws of 1877 as amended by section 1229, Code of 1881 and RCW 4.24.060 are each amended to read as follows:

The common law right to an action for damages done by fires, is not taken away or diminished by RCW 4.24.040, 4.24.050, and 4.24.060, ~~((9.40.060, 9.40.070, and 9.40.080;))~~ but it may be pursued ~~((notwithstanding the fines or penalties set forth in RCW 9.40.070 and 9.40.060;))~~; but any person availing himself of the provisions of RCW 4.24.040, shall be barred of his action at common law for the damage so sued for, and no action shall be brought at common law for kindling fires in the manner described in RCW 4.24.050; but if any such fires shall spread and do damage, the person who kindled the same and any person present and concerned in driving such lumber, by whose act or neglect such fire is suffered to spread and do damage shall be liable in an action on the case for the amount of damages thereby sustained.

EXPLANATORY NOTE: RCW 9.40.060, 9.40.070, and 9.40.080 were repealed by 1975 1st ex.s. c 260 § 9A.92.010. The references to these sections have been deleted.

Sec. 6. Section 351, page 91, Laws of 1869 as last amended by section 1, chapter 193, Laws of 1981 and RCW 6.04.100 are each amended to read as follows:

When the writ of execution is against the property of the judgment debtor, the sheriff shall serve on the debtor, in the same manner as service of a summons in a civil action, a copy of the writ, together with copies of RCW 6.12.010, 6.12.045, 6.12.050, (~~6.12.060~~), 6.16.020, and 6.16.090, each as now existing or hereafter amended, and shall execute the writ as follows:

(1) If property has been attached, he shall indorse on the execution, and pay to the clerk forthwith the amount of the proceeds of sales of perishable property or debts due the defendant received by him, sufficient to satisfy the judgment.

(2) If the judgment is not then satisfied, and property has been attached and remains in his custody, he shall sell the same, or sufficient thereof to satisfy the judgment.

(3) If then any portion of the judgment remains unsatisfied, or if no property has been attached or the same has been discharged, he shall levy on the property of the judgment debtor, sufficient to satisfy the judgment.

(4) Property shall be levied on in like manner and with like effect as similar property is attached.

(5) Until a levy, personal property shall not be affected by the execution. When property has been sold or debts received by the sheriff on execution, he shall pay the proceeds thereof, or sufficient to satisfy the judgment, as commanded in the writ.

(6) When property has been attached and it is probable that such property will not be sufficient to satisfy the judgment, the execution may be levied on other property of the judgment debtor without delay. If after satisfying the judgment any property, or the proceeds thereof, remain in the custody of the sheriff, he shall deliver the same to the judgment debtor.

EXPLANATORY NOTE: RCW 6.12.060 was repealed by 1981 c 329 § 22. The reference to this section has been amended to refer to a later enactment, RCW 6.12.045, which contains the substance of the repealed section.

Sec. 7. Section 16, chapter 172, Laws of 1935 as amended by section 12, chapter 124, Laws of 1961 and RCW 9.41.160 are each amended to read as follows:

Any violation of any provision of RCW 9.41.010 through 9.41.150, as amended, other than those violations specified in RCW (~~9.41.020~~) 9.41.025 and 9.41.040, shall be a misdemeanor and punishable accordingly.

EXPLANATORY NOTE: RCW 9.41.020 was repealed by 1969 ex.s. c 175 § 2. The reference in this section has been amended to refer to a later enactment, RCW 9.41.025, which contains the substance of the repealed section.

Sec. 8. Section 4, page 99, Laws of 1890 and RCW 9.45.230 are each amended to read as follows:

Any person violating any of the provisions of RCW (~~(9.45.200 through)~~ 9.45.210 or 9.45.220 shall be deemed guilty of a felony, and upon conviction thereof, shall be fined in any sum not less than fifty nor more than one thousand dollars, or by imprisonment in the penitentiary for not less than one year nor more than five years, or by both such fine and imprisonment.

EXPLANATORY NOTE: RCW 9.45.200 was repealed by 1975 1st ex.s. c 260 § 9A.92-.010. The reference in this section has been amended to refer to the section numerically following the repealed section.

NEW SECTION. Sec. 9. Section 228, chapter 249, Laws of 1909 and RCW 9.47.130 are each repealed.

EXPLANATORY NOTE: RCW 9.47.130 is an obsolete section of law recommended for repeal. The substantive provisions to which it refers were repealed by 1971 ex.s. c 280 § 23.

Sec. 10. Section 18, chapter 133, Laws of 1955 and RCW 9.95.190 are each amended to read as follows:

The provisions of RCW 9.95.010 (~~(to 9.95.180)~~) through 9.95.170, inclusive, as enacted by chapter 114, Laws of 1935, insofar as applicable, shall apply to all convicted persons serving time in the state penitentiary or reformatory on June 12, 1935, to the end that at all times the same provisions relating to sentences, imprisonments, and paroles of prisoners shall apply to all inmates thereof.

Similarly the provisions of said sections, as amended by chapter 92, Laws of 1947, insofar as applicable, shall apply to all convicted persons serving time in the state penitentiary or reformatory on June 11, 1947, to the end that at all times the same provisions relating to sentences, imprisonments, and paroles of prisoners shall apply to all inmates thereof.

EXPLANATORY NOTE: RCW 9.95.180 was repealed by 1959 c 28 § 72.98.040. The reference in this section has been amended to refer to the section numerically preceding the repealed section.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 9, Laws of 1975-'76 2nd ex. sess. and RCW 9A.32.900; and

(2) Section 5, chapter 9, Laws of 1975-'76 2nd ex. sess. and RCW 9A.32.901.

EXPLANATORY NOTE: RCW 9A.32.900 and 9A.32.901 are obsolete sections of law recommended for repeal. The substantive provisions to which they refer were repealed by 1981 c 138 § 24.

Sec. 12. Section 1046, Code of 1881 as amended by section 1, chapter 10, Laws of 1957 and RCW 10.40.070 are each amended to read as follows:

The motion to set aside the indictment can be made by the defendant on one or more of the following grounds, and must be sustained((-):

(1) (~~When it is not indorsed "a true bill," and the indorsement signed by the foreman of the grand jury as prescribed by RCW 10.28.150;~~

~~(2) When it has not been presented and marked "filed" as prescribed by RCW 10.28.200;~~

~~(3)) When any person, other than the grand jurors, was present before the grand jury when the question was taken upon the finding of the indictment, or when any person, other than the grand jurors, was present before the grand jury during the investigation of the charge, except as required or permitted by law((-);~~

~~((4) That)) (2) If the grand jury were not selected, drawn, summoned, impaneled, or sworn as prescribed by law.~~

EXPLANATORY NOTE: RCW 10.28.150 and 10.28.200 were repealed by 1971 ex.s. c 67 § 20. The references to these sections have been deleted.

NEW SECTION. Sec. 13. RCW 11.20.021 and 11.28.111 are each hereby decodified.

EXPLANATORY NOTE: RCW 11.20.021 and 11.28.111 are cross-reference sections to RCW 83.36.040 which was repealed by 1981 2nd ex.s. c 7 § 82.100.160.

Sec. 14. Section 11.36.010, chapter 145, Laws of 1965 and RCW 11.36.010 are each amended to read as follows:

The following persons are not qualified to act as personal representatives: Corporations, minors, persons of unsound mind, or who have been convicted of any felony or of a misdemeanor involving moral turpitude: PROVIDED, That trust companies regularly organized under the laws of this state and national banks when authorized so to do may act as the personal representative of decedents' or incompetents' estates upon petition of any person having a right to such appointment and may act as executors or guardians when so appointed by will. But no trust company or national bank shall be entitled to qualify as such executor or guardian under any will hereafter drawn by it, or its agents or employees, and no salaried attorney of any such company shall be allowed any attorney fee for probating any such will, or in relation to the administration or settlement of any such estate, and no part of any attorney fee shall inure, directly or indirectly, to the benefit of any trust company or national bank. And when any person to whom letters testamentary or of administration have been issued becomes disqualified to act because of becoming of unsound mind, or being convicted of any crime or misdemeanor involving moral turpitude, the court having jurisdiction shall revoke his or her letters. A nonresident may be appointed to act as personal representative if he shall appoint an agent, who is a resident of the county where such estate is being probated, or, who is an attorney of record of the estate, upon whom service of all papers may be made; such appointment to be made in writing and filed by the clerk with other

papers of such estate; and, unless bond has been waived as provided by RCW (~~(11-28-200)~~) 11.28.185, such nonresident personal representative shall file a bond to be approved by the court.

EXPLANATORY NOTE: RCW 11.28.200 was repealed by 1974 ex.s. c 117 § 55. The reference to this section has been amended to refer to a later enactment, RCW 11.28.185, which governs when personal representatives are required to furnish bonds or other security.

Sec. 15. Section 14, chapter 155, Laws of 1979 and RCW 13.04.300 are each amended to read as follows:

Nothing in chapter 13.04, 13.06, (~~(13-30, 13-32)~~) 13.32A, 13.34, or 13.40 RCW may be construed to prevent a juvenile from being found both dependent and an offender if there exists a factual basis for such a finding.

EXPLANATORY NOTE: Chapters 13.30 and 13.32 RCW were repealed by 1979 c 155 § 86. The reference to these chapters has been amended to refer to a later enactment, chapter 13.32A RCW, which contains the substance of the repealed chapters.

Sec. 16. Section 6, chapter 160, Laws of 1913 as last amended by section 40, chapter 155, Laws of 1979 and RCW 13.34.070 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, 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. The hearing on the petition shall be set for a time no later than forty-five days after the filing of the petition and shall be held at such time, unless for good cause the hearing is continued to a later time at the request of either party.

(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 RCW 13.34.050, 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 the person summoned as provided in this section is subject to an order of the court pursuant to subsection (4) or (5) of this section, and if the person fails to abide by the order, he may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:  
VIOLATION OF THIS ORDER  
IS SUBJECT TO PROCEEDING  
FOR CONTEMPT OF COURT

PURSUANT TO RCW (~~(13.04.070 [RCW 13.34.070])~~) 13.34.070.

(7) 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.

(8) Service of summons may be made under the direction of the court by any person eighteen 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.

(9) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

EXPLANATORY NOTE: RCW 13.04.070 was recodified as RCW 13.34.070 by 1977 ex.s. c 291 § 50. The reference in this section has been amended to reflect this change.

Sec. 17. Section 7, chapter 150, Laws of 1955 and RCW 14.20.070 are each amended to read as follows:

Before issuing an aircraft dealer license, the director shall require the applicant to file with said director a surety bond in the amount of four thousand dollars running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter, RCW (~~(14.20.070)~~) 47.68.250, and 82.48.100. Any person who shall have suffered any loss or damage by reason of any act by a dealer which constitutes ground for refusal, suspension, or revocation of license under RCW 14.20.090 shall have an action against such aircraft dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate



liability of the surety to all persons shall in no event exceed the amount of the bond.

EXPLANATORY NOTE: RCW 14.04.250 was recodified as RCW 47.68.250 by 1977 ex.s. c 151 § 79. The reference in this section has been amended to reflect this change.

Sec. 18. Section 9, chapter 150, Laws of 1955 and RCW 14.20.090 are each amended to read as follows:

The director shall refuse to issue an aircraft dealer's license or shall suspend or revoke an aircraft dealer's license whenever he has reasonable grounds to believe that such dealer has:

(1) Forged or altered any federal certificate, permit, rating or license, relating to ownership and airworthiness of an aircraft;

(2) Sold or disposed of an aircraft which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(3) Wilfully misrepresented any material fact in the application for an aircraft dealer's license, aircraft dealer's certificate, or registration certificate;

(4) Wilfully withheld or caused to be withheld from a purchaser of aircraft any document referred to in subsection (1) hereof if applicable, or an affidavit to the effect that there are no liens, mortgages or encumbrances of any type on the aircraft other than noted thereon, if such document or affidavit has been requested by the purchaser;

(5) Suffered or permitted the cancellation of his bond or the exhaustion of the penalty thereof;

(6) Used an aircraft dealer's certificate for any purpose other than those permitted by this chapter, RCW (~~14.04.250~~) 47.68.250, and 82.48.100.

EXPLANATORY NOTE: RCW 14.04.250 was recodified as RCW 47.68.250 by 1977 ex.s. c 151 § 79. The reference in this section has been amended to reflect this change.

Sec. 19. Section 1, chapter 83, Laws of 1961 and RCW 15.14.010 are each amended to read as follows:

For the purpose of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Person" means a natural person, individual, or firm, partnership, corporation, company, society and association and every officer, agent or employee thereof. This term shall import either the singular or plural, as the case may be.

(4) "Plant pests" means, but is not limited to, any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause

disease or damage to any plant or parts thereof, or any processed, manufactured, or other products of plants.

(5) "Plant propagating stock" hereinafter referred to as "planting stock" includes any propagating materials used for the production or processing of horticultural, floricultural, viticultural or olericultural plants for the purpose of being sold, offered for sale or exposed for sale for planting or reproduction purposes: PROVIDED, That it shall not include agricultural and vegetable seeds as defined in RCW ~~((15.48.010, (2) and (3)))~~ 15.49.050 and 15.49.060.

(6) "Certified plant stock" means the progeny of foundation, registered or certified plant stock if designated foundation and plant propagating materials that are so handled as to maintain satisfactory genetic identity and purity and have met certification standards required by this chapter and have been approved and certified by the director.

(7) "Foundation planting stock" means plant stock propagating materials that are increased from breeder or designated plant stock and are so handled as to most nearly maintain specific genetic identity and purity. Foundation plant stock, established by designation shall be that plant stock so designated by the director.

(8) "Breeder planting stock" means plant propagating materials directly controlled by the originating or in certain cases the sponsoring plant breeder or institution, which may include the department and which provides the source of the foundation plant stock.

(9) "Registered planting stock" means the progeny of foundation or registered planting stock or plant propagating material that is so handled as to maintain satisfactory genetic identity and purity and that has been approved and certified by the director. This class of planting stock shall be of a quality suitable for the production of certified planting stock.

EXPLANATORY NOTE: RCW 15.48.010 was repealed by 1969 c 63 § 54. The reference to this section has been amended to refer to later enactments, RCW 15.49.050 and 15.49.060, which contain the substance of the repealed section.

Sec. 20. Section 15.32.100, chapter 11, Laws of 1961 as amended by section 3, chapter 58, Laws of 1963 and RCW 15.32.100 are each amended to read as follows:

Every person who sells, offers or exposes for sale, barter, or exchanges any milk or milk product as defined ~~((in RCW 15.36.010, or departmental rules and regulations which may be substituted therefor,))~~ by rule under chapter 15.36 RCW must have a milk vendor's license to do so: PROVIDED, That such license shall not include retail stores or restaurants which purchase milk prepackaged or bottled elsewhere for sale at retail or establishments which sell milk only for consumption in such establishment. Such license, issued by the director on application and payment of a fee of two dollars, shall contain the license number, and name, residence and place of business, if any, of the licensee. It shall be nontransferable, shall expire

June 30th subsequent to issue, and may be revoked by the director, upon reasonable notice to the licensee, for any violation of or failure to comply with any provision of this chapter or any rule or regulation, or order of the department, or any officer or inspector thereof.

EXPLANATORY NOTE: RCW 15.36.010 was repealed by 1969 ex.s. c 102 § 7. The reference to this section has been amended to refer to rules adopted under the same chapter. This change is consistent with the preservation of the repealed section as a rule by 1969 ex.s. c 102 § 2.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) Section 50, chapter 63, Laws of 1969 and RCW 15.49.910; and
- (2) Section 39, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.920.

EXPLANATORY NOTE: Both sections recommended for repeal here are obsolete "grandfather" provisions which contain references to various RCW sections which were being simultaneously repealed.

Sec. 22. Section 15.60.080, chapter 11, Laws of 1961 and RCW 15.60-.080 are each amended to read as follows:

Every apiary in which diseased bees are found, or in which bees are kept in hives wherein the combs or frames are immovable, or which are so constructed as to impede or hinder inspection, is declared a public nuisance, and such apiaries, bees and equipment shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon the written permission or upon the specific direction of the director. The inspector shall affix a warning tag or notice to such nuisance and give notice of such violation in the manner provided in RCW 15-.60.040. If the person so notified refuses or fails within the time specified in such notice to commence and proceed by due diligence to comply therewith, such apiary, bees, appliances and equipment may be seized by the director. The prosecuting attorney of the county in which such nuisance is found, on the complaint of the director, shall maintain in the name of the state a civil action to abate and prevent such nuisance; and upon judgment and order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the owner fails to comply with the order of the court within the time specified therein, the court may order disposal of the apiary, bees, appliances and equipment under such terms and conditions as the court may prescribe.

The cost incurred by the state in abating such nuisance may be assessed against the owner of the apiary and paid into the court for return to the apiary fund of the department (~~as provided in RCW 69.28.160~~).

EXPLANATORY NOTE: RCW 69.28.160 was repealed by 1961 c 60 § 3. The reference to this section has been deleted. The reference to RCW 69.28.160 was apparently incorrect since no "apiary fund" is mentioned in the section.

Sec. 23. Section 2, chapter 160, Laws of 1957 as amended by section 14, chapter 154, Laws of 1979 and RCW 16.36.095 are each amended to read as follows:

The director of agriculture may condemn for slaughter any bovine animals which are infected with a highly contagious or communicable disease, other than tuberculosis and brucellosis, and pay indemnity therefor in accordance with the provisions of RCW (~~(+6.40.080)~~) 16.40.060: PROVIDED, That the director shall first ascertain that the best interests of the livestock industry and general public will be served thereby.

EXPLANATORY NOTE: RCW 16.40.080 was one of several sections recodified as part of RCW 16.40.060. The recodified sections had originally been enacted as one section. The reference in this section has been amended to refer to the combined section.

Sec. 24. Section 14, chapter 149, Laws of 1955 as last amended by section 18, chapter 21, Laws of 1982 and RCW 18.22.215 are each amended to read as follows:

If any person engages in the practice of podiatry without possessing a valid license so to do, or if a person violates the provisions of RCW (~~(+8-22.140)~~) 18.22.151, the attorney general, any prosecuting attorney, the director, or any citizen of the same county may maintain an action in the name of the state to enjoin such person from engaging in the practice of podiatry. The injunction shall not relieve from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to license suspension or revocation.

EXPLANATORY NOTE: RCW 18.22.140 was repealed by 1982 c 21 § 21. The reference to this section has been amended to refer to a later enactment, RCW 18.22.151, which contains the substance of the repealed section.

Sec. 25. Section 20, chapter 216, Laws of 1961 and RCW 19.86.920 are each amended to read as follows:

The legislature hereby declares that the purpose of this act is to complement the body of federal law governing restraints of trade, unfair competition and unfair, deceptive, and fraudulent acts or practices in order to protect the public and foster fair and honest competition. It is the intent of the legislature that, in construing this act, the courts be guided by the interpretation given by the federal courts to the various federal statutes dealing with the same or similar matters and that in deciding whether conduct restrains or monopolizes trade or commerce or may substantially lessen competition, determination of the relevant market or effective area of competition shall not be limited by the boundaries of the state of Washington. To this end this act shall be liberally construed that its beneficial purposes may be served.

It is, however, the intent of the legislature that this act shall not be construed to prohibit acts or practices which are reasonable in relation to the development and preservation of business or which are not injurious to

the public interest (~~(, nor shall this act be construed to repeal by implication the Fair Trade Act contained in chapter 19.89 RCW)~~).

EXPLANATORY NOTE: Chapter 19.89 RCW containing the Fair Trade Act was repealed by 1975 c 55 § 1. The reference to this chapter has been deleted.

Sec. 26. Section 2, chapter 186, Laws of 1923 and RCW 22.28.020 are each amended to read as follows:

Whenever any safe deposit company shall take or receive as bailee for hire and for safekeeping or storage any jewelry, plate, money, specie, bullion, stocks, bonds, mortgages, securities, or valuable paper of any kind, or other valuable personal property, and shall have issued a receipt therefor, it shall be deemed to be a warehouseman as to such property and the provisions of ~~((the uniform warehouse receipts act, same being chapter 22.04 RCW))~~ Article 7 of the Uniform Commercial Code, Title 62A RCW, shall apply to such deposit, or to the proceeds thereof, to the same extent and with the same effect, and be enforceable in the same manner as is now provided with reference to warehousemen in said act.

EXPLANATORY NOTE: Chapter 22.04 RCW was repealed by 1965 ex.s. c 157 § 10-102. The reference to this chapter has been amended to refer to a later enactment, Article 7 of the Uniform Commercial Code, Title 62A RCW, which covers the subject matter of the repealed chapter.

Sec. 27. Section 6, chapter 312, Laws of 1959 and RCW 24.36.060 are each amended to read as follows:

No association is subject in any manner to the terms of chapter ~~((21-04))~~ 21.20 RCW and all associations may issue their membership certificates or stock or other securities as provided in this division without the necessity of any permit from the director of licenses.

EXPLANATORY NOTE: Chapter 21.04 RCW was repealed by 1959 c 282 § 68. The reference to this chapter has been amended to refer to a later enactment, chapter 21.20 RCW, which covers the subject matter of the repealed chapter.

Sec. 28. Section 9, chapter 312, Laws of 1959 and RCW 24.36.090 are each amended to read as follows:

Any two or more associations may be merged into one such constituent association or consolidated into a new association. Such merger or consolidation shall be made in the manner prescribed by chapter ~~((23-40))~~ 23A.20 RCW for domestic corporations.

EXPLANATORY NOTE: Chapter 23.40 RCW was recodified as chapter 23.01 RCW which was repealed by 1965 c 53 § 166. The reference to this chapter has been amended to refer to a later enactment of laws governing the merger or consolidation of domestic corporations, chapter 23A.20 RCW, which covers the subject matter of the relevant portions of the repealed chapter.

Sec. 29. Section 7, chapter 215, Laws of 1971 ex. sess. as amended by section 5, chapter 92, Laws of 1974 ex. sess. and RCW 28A.02.240 are each amended to read as follows:

The state board of education shall promulgate rules and regulations for the enforcement of RCW 28A.02.201 and ~~((28A.02.210))~~ 28A.02.220 through 28A.02.240, 28A.04.120 and 28A.27.010, including a provision which denies approval to any school engaging in a policy of racial segregation or discrimination.

EXPLANATORY NOTE: RCW 28A.02.210 was repealed by 1974 ex.s. c 92 § 8. The reference in this section has been amended to refer to the section numerically following the repealed section.

Sec. 30. Section 2, chapter 46, Laws of 1973 as last amended by section 3, chapter 158, Laws of 1982 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 an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW ~~((36.33.110))~~ 28A.02.300 and 28A.02.310, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute 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 shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.58.754, as now or hereafter amended.

Basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.41.130 and 28A.41.140 to fund those program requirements identified in RCW 28A.58.754 in accordance with the formula and ratios provided in RCW 28A.41.140.

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 students per classroom teacher in grades kindergarten through three is not greater than the ratio of 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 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 students: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the 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 student/teacher ratio requirements

of this section by virtue of a small number of 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.

If a school district's basic education program fails to meet the basic education requirements enumerated in RCW 28A.41.130, 28A.41.140 and 28A.58.754, 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 the state board of education may waive this requirement in the event of substantial lack of classroom space.

This section shall be effective September 1, 1982.

EXPLANATORY NOTE: RCW 36.33.110 was repealed by 1982 c 126 § 3. The reference to this section has been amended to refer to later enactments, RCW 28A.02.300 and 28A.02.310, which contain the substance of the repealed section.

Sec. 31. Section 28A.44.045, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.045 are each amended to read as follows:

For the purposes of (~~RCW 28A.44.045 through 28A.44.100~~) this chapter all school districts in the state of Washington shall be and the same are hereby divided into two divisions to be known and designated respectively as high school districts and nonhigh school districts.

EXPLANATORY NOTE: RCW 28A.44.080, 28A.44.085, 28A.44.090, and 28A.44.100 were repealed by 1981 c 264 § 12. The reference in this section has been amended to refer to the entire chapter consisting of the enactment of RCW 28A.44.150 through 28A.44.250 which covers the subject matter of the repealed sections and RCW 28A.44.045, 28A.44.060, 28A.44.070, and 28A.44.095, which are the referenced sections which were not repealed.

Sec. 32. Section 28A.44.095, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.095 are each amended to read as follows:

The reimbursement of a high school district for cost of educating high school pupils for a nonhigh school district, as provided for in (~~RCW 28A.44.045 through 28A.44.100~~) this chapter, shall not be deemed a tuition charge as affecting the apportionment of current state school funds.

EXPLANATORY NOTE: RCW 28A.44.080, 28A.44.085, 28A.44.090, and 28A.44.100 were repealed by 1981 c 264 § 12. The reference in this section has been amended to refer to the entire chapter consisting of the enactment of RCW 28A.04.150 through 28A.44.250 which covers the subject matter of the repealed sections and RCW 28A.44.045, 28A.44.060, 28A.44.070, and 28A.44.095, which are the referenced sections which were not repealed.

Sec. 33. Section 28A.57.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 78, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.020 are each amended to read as follows:

As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them.

(2) "County committee" means the county committee on school district organization created by this chapter.

(3) "State board" means the state board of education.

(4) "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors.

(5) "Educational service district superintendent" means the educational service district superintendent as provided for in RCW (~~28A.21.070~~) 28A.21.071. When a county has property both within and without an educational service district or districts, the state board of education shall determine which educational service district superintendent shall carry out the functions assigned to the educational service district superintendent under this chapter and be secretary to the county committee as provided for in RCW 28A.57.040, said appointee to serve at the pleasure of the state board.

EXPLANATORY NOTE: RCW 28A.21.070 was repealed by 1977 ex.s. c 283 § 25. The reference to this section has been amended to refer to a later enactment, RCW 28A.21.071, which contains the substance of the repealed section.

Sec. 34. Section 28A.57.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.120 are each amended to read as follows:

An appeal may be taken, as provided for in RCW 28A.88.010 (~~and 28A.88.020~~), to the superior court of the county in which a school district or any part thereof is situated on any question of adjustment of property and other assets and of liabilities provided for in this chapter. If the court finds the terms of the adjustment in question not equitable, the court shall make an adjustment that is equitable.

EXPLANATORY NOTE: RCW 28A.88.020 was repealed by 1971 ex.s. c 282 § 44. The reference to this section has been deleted.

Sec. 35. Section 28A.57.324, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 43, Laws of 1975 and RCW 28A.57.324 are each amended to read as follows:

Regular meetings of the board of directors of any school district shall be held monthly or oftener at such a time as the board of directors by resolution shall determine or the bylaws of the board may prescribe. Special or deferred meetings may be held from time to time as circumstances may demand, at the call of the president, if a first class district, or the chairman of the board, if a second class district, or on petition of a majority of the members of the board. All meetings shall be open to the public unless the board shall otherwise order an executive session as provided in RCW (~~42-32-020~~) 42.30.110.

EXPLANATORY NOTE: RCW 42.32.020 was repealed by 1971 ex.s. c 250 § 15. The reference to this section has been amended to refer to a later enactment, RCW 42.30.110, which covers the subject matter of the repealed section.



Sec. 36. Section 10, chapter 131, Laws of 1969 as amended by section 7, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.435 are each amended to read as follows:

Within thirty days after March 25, 1969, the school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.57.312, 28A.57.336, 28A.57.425, 28A.57.435, 28A.57.313, 29.21.180, and 29.21.210 (~~and 29.21.230~~), each as now or hereafter amended.

EXPLANATORY NOTE: RCW 29.21.230 was repealed by 1975-'76 2nd ex.s. c 120 § 15. The reference to this section has been deleted.

Sec. 37. Section 28A.58.230, chapter 223, Laws of 1969 ex. sess. as amended by section 9, chapter 130, Laws of 1969 and RCW 28A.58.230 are each amended to read as follows:

Every school district shall admit on a tuition free basis all persons of school age who reside within this state, and do not reside within another school district carrying the grades for which they are eligible to enroll: PROVIDED, That nothing in this section shall be construed as affecting RCW (~~28A.44.040~~) 28A.58.240 or 28A.58.245.

EXPLANATORY NOTE: RCW 28A.44.040 was repealed by 1981 c 264 § 12. The reference to this section has been deleted.

Sec. 38. Section 1, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.010 are each amended to read as follows:

(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 certificated 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 ~~((+))~~ (a) determination that such school comes within the definition thereof as set forth in subsection (1) above and ~~((+))~~ (b) 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))~~.

EXPLANATORY NOTE: Chapter 18.82 RCW was repealed by 1977 ex.s. c 289 § 17. The reference to this section has been deleted.

NEW SECTION. Sec. 39. Section 1, chapter 107, Laws of 1981 and RCW 28B.10.205 are each repealed.

EXPLANATORY NOTE: RCW 28B.10.205 is an obsolete section of law recommended for repeal. The substantive provisions to which it refers were repealed by 1982 1st ex.s. c 37 § 5.

Sec. 40. Section 1, chapter 129, Laws of 1973 and RCW 28B.50.095 are each amended to read as follows:

In addition to other powers and duties, the college board may issue rules and regulations permitting a student to register at more than one, community college, provided that such student shall pay tuition and fees as if he were registered at a single college, but not to exceed tuition and fees charged a full-time student as established by RCW ~~((28B.15.500))~~ 28B.15.502.

**EXPLANATORY NOTE:** RCW 28B.15.500 was repealed by 1981 c 257 § 11. The reference to this section has been amended to refer to a later enactment, RCW 28B.15.502, which contains the substance of the repealed section.

Sec. 41. Section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 285, Laws of 1971 ex. sess. and RCW 28C-.04.230 are each amended to read as follows:

The state board of education shall have the power to authorize the school districts to offer vocational education programs in the elementary and secondary schools and the state board shall adopt rules and regulations to implement such programs and shall also adopt such rules and regulations for programs authorized by RCW 28A.58.245 (~~and 28B.50.770~~).

**EXPLANATORY NOTE:** RCW 28B.50.770 was repealed by 1975 1st ex.s. c 174 § 18. The reference to this section has been deleted.

**NEW SECTION.** Sec. 42. Section 29.13.015, chapter 9, Laws of 1965 and RCW 29.13.015 are each repealed.

**EXPLANATORY NOTE:** RCW 29.13.015 is an obsolete section of law recommended for repeal. The phrase that it defines no longer appears in the sections to which it is stated to apply.

Sec. 43. Section 29.13.021, chapter 9, Laws of 1965 as amended by section 10, chapter 126, Laws of 1979 ex. sess. and RCW 29.13.021 are each amended to read as follows:

All regular elections in cities of the first class under a commission form of government whose charters provide that elections shall be held triennially, shall hereafter be held quadrennially and shall be held on the Tuesday following the first Monday in November in the odd-numbered years (~~(: PROVIDED, That no such regular city election shall be held under the provisions of this 1963 amendatory section until the Tuesday after the first Monday in November, 1969. The elections to be held in such cities in 1964 under existing law shall be conducted at the time and in the manner as though the provisions of the 1963 elections act had not been enacted)~~). All city officials (~~(elected in 1964, or thereafter,)~~) shall be elected for terms of four years and until their successors are elected and qualified and then assume office in accordance with RCW 29.04.170.

**EXPLANATORY NOTE:** The language deleted had meaning only from 1963 through 1969.

Sec. 44. Section 29.21.085, chapter 9, Laws of 1965 as amended by section 88, chapter 176, Laws of 1969 ex. sess. and RCW 29.21.085 are each amended to read as follows:

Where voting machines are legally used in any election for superintendent of public instruction, the ballot arrangement for the aforesaid office shall be substantially in the form as set out in RCW 29.21.090(~~(, 29.21.100)~~) and 29.21.150, but may be so varied as to carry out the purposes required by the use of voting machines.

**EXPLANATORY NOTE:** RCW 29.21.100 was repealed by 1977 ex.s. c 361 § 111. The reference to this section has been deleted.

Sec. 45. Section 29.27.010, chapter 9, Laws of 1965 and RCW 29.27-.010 are each amended to read as follows:

The governing board of every city, town, or district subject to RCW 29.13.010(~~(?)~~) or 29.13.020 (~~(or 29.13.030;)~~) shall certify to the county auditor as ex officio county supervisor of elections a list of the offices to be filled at an election at least forty-five days before the date of election.

**EXPLANATORY NOTE:** RCW 29.13.030 was repealed by 1965 c 123 § 9, and RCW 29.13.020 now contains the substance of the repealed section.

Sec. 46. Section 29.68.120, chapter 9, Laws of 1965 as amended by section 7, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.120 are each amended to read as follows:

Canvass of the votes at a special primary held in relation to a special election for a United States congressman shall be made in each county within the district within ten days after the primary and the returns sent immediately to the secretary of state who shall (~~(immediately convene the state canvassing board to)~~) certify said returns in the same manner as provided by RCW (~~(29.62.110)~~) 29.62.100 and as soon as possible thereafter certify the names of the successful nominees to the county auditors of the counties within the district.

**EXPLANATORY NOTE:** The state canvassing board was abolished by the amendment to RCW 29.62.100 by 1977 ex.s. c 361 § 97, and RCW 29.62.110 was repealed by 1977 ex.s. c 361 § 111. The reference to this section has been amended to refer to RCW 29.62.100, which contains provisions for certification of election returns.

Sec. 47. Section 30.12.190, chapter 33, Laws of 1955 and RCW 30.12-.190 are each amended to read as follows:

Every person who shall violate, or knowingly aid or abet the violation of any provision of RCW 30.04.010, 30.04.030, 30.04.040, 30.04.050, 30.04-.060, 30.04.070, (~~(30.04.080, 30.04.090;)~~) 30.04.075, 30.04.100, 30.04.110, 30.04.120, 30.04.130, 30.04.180, 30.04.210, 30.04.220, 30.04.280, 30.04-.290, 30.04.300, 30.08.010, 30.08.020, 30.08.030, 30.08.040, 30.08.050, 30-.08.060, 30.08.080, 30.08.090, 30.08.095, 30.08.110, 30.08.120, 30.08.140, 30.08.150, 30.08.160, 30.08.180, 30.08.190, 30.12.010, 30.12.020, 30.12-.030, 30.12.060, 30.12.070, 30.12.080, 30.12.130, 30.12.140, 30.12.150, 30-.12.160, 30.12.180, 30.12.190, 30.16.010, (~~(30.16.020, 30.20.010; 30.20.030;)~~) 30.20.060, 30.40.010, 30.44.010, 30.44.020, 30.44.030, 30.44-.040, 30.44.050, 30.44.060, 30.44.070, 30.44.080, 30.44.090, 30.44.100, 30-.44.130, 30.44.140, 30.44.150, 30.44.160, 30.44.170, 30.44.240, 30.44.250, 43.19.020, 43.19.030, 43.19.050, (~~(43.19.060)~~) and 43.19.090, and every person who fails to perform any act which it is therein made his duty to perform, shall be guilty of a misdemeanor. No person who has been convicted for the violation of the banking laws of this or any other state or of the United States shall be permitted to engage in or become an officer or

official of any bank or trust company organized and existing under the laws of this state.

**EXPLANATORY NOTE:** (1) RCW 30.04.080 is now codified as RCW 30.08.095. The reference in this section has been amended to reflect this change.

(2) RCW 30.04.090 was repealed by 1981 c 89 § 7; RCW 30.16.020 was repealed by section 10-102 of the Uniform Commercial Code, 1965 ex.s. c 157 (Title 62A RCW); and RCW 30.20.010 and 30.20.030 were repealed by 1981 c 192 § 33. The references to these sections have been deleted.

(3) RCW 43.19.060 was repealed by 1977 ex.s. c 245 § 5. The reference to this section has been amended to refer to a later enactment, RCW 30.04.075, which contains the substance of the repealed section.

Sec. 48. Section 2, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.020 are each amended to read as follows:

For the purposes of this chapter, the following terms shall be defined as follows:

(1) "Alien bank" means a bank organized under the laws of a foreign country and having its principal place of business in that country, the majority of the beneficial ownership and control of which is vested in citizens of countries other than the United States of America.

(2) "Office" means a branch or agency of an alien bank carrying on business in this state pursuant to this chapter.

(3) "Branch" means an office of an alien bank that is exercising the powers authorized by RCW ((~~30.42.110~~) 30.42.105, 30.42.115, and 30.42.155.

(4) "Agency" means an office of an alien bank that is exercising the powers authorized by RCW 30.42.180.

(5) "Bureau" means an alien bank's operation in this state exercising the powers authorized by RCW 30.42.230.

(6) "Supervisor" means the supervisor of banking of the state of Washington.

**EXPLANATORY NOTE:** RCW 30.42.110 was repealed by 1982 c 95 § 8. The reference to this section has been amended to refer to later enactments, RCW 30.42.105, 30.42.115, and 30.42.155, which covers the subject matter of the repealed section.

Sec. 49. Section 1, chapter 124, Laws of 1959 and RCW 30.99.010 are each amended to read as follows:

This chapter shall apply to express trusts, except as hereinafter limited, which are executed by the trustor after ((~~the effective date hereof~~) June 10, 1959. This chapter shall not apply to resulting trusts, constructive trusts, business trusts where certificates of beneficial interest are issued to the beneficiary, investment trusts, voting trusts, trusts in the nature of mortgages or pledges, trusts created by the judgment or decree of a court not sitting in probate, liquidation trusts, or trusts for the sole purpose of paying dividends, interest, interest coupons, salaries, wages, pensions or profits, trusts created in deposits in any banking institution pursuant to ((~~RCW 30.20.035 or RCW 32.12.030;~~) chapter 30.22 RCW or in accounts in savings and loan associations pursuant to ((~~RCW 33.20.070~~) chapter 30.22 RCW, unless

any such trust which is created in writing incorporates this chapter in whole or in part.

**EXPLANATORY NOTE:** (1) "The effective date hereof," refers to the effective date of 1959 c 124, which is June 10, 1959. This date has been substituted for the phrase.

(2) RCW 30.20.035, 32.12.030, and 33.20.070 were repealed by 1981 c 192 § 33. The references to these sections have been amended to refer to a later enactment, chapter 30.22 RCW, which contains the substance of the repealed sections.

Sec. 50. Section 10, chapter 124, Laws of 1959 and RCW 30.99.100 are each amended to read as follows:

Actions on contracts which have been transferred to a trust and on contracts made by a trustee, and actions in tort for personal liability incurred by a trustee in the course of his administration may be maintained by the party in whose favor the cause of action has accrued as follows:

(1) The plaintiff may sue the trustee in his representative capacity and any judgment rendered in favor of the plaintiff shall be collectible by execution out of the trust property: **PROVIDED, HOWEVER,** If the action is in tort, collection shall not be had from the trust property unless the court shall determine in such action that (a) the tort was a common incident of the kind of business activity in which the trustee or his predecessor was properly engaged for the trust; or (b) that, although the tort was not a common incident of such activity, neither the trustee nor his predecessor, nor any officer or employee of the trustee or his predecessor, was guilty of personal fault in incurring the liability; or (c) that, although the tort did not fall within classes (a) or (b) above, it increased the value of the trust property. If the tort is within classes (a) or (b) above, collection may be had of the full amount of damage proved, and if the tort is within class (c) above, collection may be had only to the extent of the increase in the value of the trust property.

(2) If the action is on a contract made by the trustee, the trustee may be held personally liable on such contract, if personal liability is not excluded. Either the addition by the trustee of the words "trustee" or "as trustee" after the signature of a trustee to a contract or the transaction of business as trustee under an assumed name in compliance with (~~RCW 19.80.010 to 19.80.050 inclusive~~) chapter 19.80 RCW shall exclude the trustee from personal liability. If the action is on a contract transferred to the trust or trustee, subject to any rights therein vested at time of such transfer, the trustee shall be personally liable only if he has in writing assumed such liability.

(3) In any such action against the trustee in his representative capacity the plaintiff need not prove that the trustee could have secured reimbursement from the trust fund if he had paid the plaintiff's claim.

(4) The trustee may also be held personally liable for any tort committed by him, or by his agents or employees in the course of their employments, subject to the rights of exoneration or reimbursement:

(a) A trustee who has incurred personal liability for a tort committed in the administration of the trust is entitled to exoneration therefor from the trust property if (i) the tort was a common incident of the kind of business activity in which the trustee was properly engaged for the trust, or (ii) although the tort was not a common incident of such activity, if neither the trustee nor any officer or employee of the trustee was guilty of personal fault in incurring the liability;

(b) A trustee who commits a tort which increases the value of the trust property shall be entitled to exoneration or reimbursement with respect thereto to the extent of such increase in value, even though he would not otherwise be entitled to exoneration or reimbursement.

(5) No judgment shall be rendered in favor of the plaintiff in any such action unless the plaintiff shall cause a copy of the notice of the hearing on such action to be mailed not less than twenty days before the date therefor to the trustor, if living, the trustee and to each beneficiary whose name and address is known to him. Proof of the mailing of such notice shall be made by affidavit which shall be filed at or before the hearing. All those whose names or addresses are not known or are not legally competent and any beneficiary who is not ascertained shall be represented at the hearing by a guardian ad litem appointed by the court when it sets the time of hearing.

(6) Nothing in this section shall be construed to change the existing law with regard to the liability of the trustee of a charitable trust for the torts of the trustee.

EXPLANATORY NOTE: RCW 19.80.050 is now codified as RCW 19.80.040. Since RCW 19.80.010 through 19.80.040 constitute chapter 19.80 RCW, this chapter reference was substituted for the phrase.

Sec. 51. Section 3, chapter 162, Laws of 1963 and RCW 31.24.030 are each amended to read as follows:

In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by the provisions of (~~chapter 23.04~~) Title 23A RCW, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(1) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation: PROVIDED, That the corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint stock company, association or trust, or in any other manner.

(2) To borrow money from its members and the small business administration and any other similar federal agency, for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes or other evidence of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest

therein, without securing stockholder or member approval: **PROVIDED**, That no loan to the corporation shall be secured in any manner unless all outstanding loans to the corporation shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner.

(3) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith: **PROVIDED**, That the corporation shall not approve any application for a loan unless and until the person applying for said loan shall show that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution.

(4) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(5) To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any persons, firms, corporations, joint-stock companies, associations or trusts, and to assume, undertake, or pay the obligations, debts and liabilities of any such person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments.

(6) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote thereon.

(7) To mortgage, pledge, or otherwise encumber any property, right or things of value, acquired pursuant to the powers contained in subsections (4), (5), or (6) of this section, as security for the payment of any part of the purchase price thereof.

(8) To cooperate with and avail itself of the facilities of the United States department of commerce, the department of commerce and economic development, and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in



the various communities of the state in the promotion, assistance and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof.

(9) To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

EXPLANATORY NOTE: Chapter 23.01 RCW was repealed by 1965 c 53 § 166 (Washington Business Corporation Act). The reference to this chapter has been amended to refer to a later enactment, Title 23A RCW, which contains the substance of the repealed chapter.

Sec. 52. Section 15, chapter 162, Laws of 1963 and RCW 31.24.150 are each amended to read as follows:

The corporation may upon the affirmative vote of two-thirds of the votes to which the stockholders shall be entitled and two-thirds of the votes to which the member shall be entitled dissolve said corporation as provided by (~~chapter 23.01~~) Title 23A RCW, insofar as (~~said chapter 23.01~~) Title 23A RCW is not in conflict with the provisions of this chapter. Upon any dissolution of the corporation, none of the corporation's assets shall be distributed to the stockholders until all sums due the members of the corporation as creditors thereof have been paid in full.

EXPLANATORY NOTE: Chapter 23.01 RCW was repealed by 1965 c 53 § 166 (Washington Business Corporation Act). The reference to this chapter has been amended to refer to a later enactment, Title 23A RCW, which contains the substance of the repealed chapter.

Sec. 53. Section 32.12.020, chapter 13, Laws of 1955 as last amended by section 28, chapter 192, Laws of 1981 and RCW 32.12.020 are each amended to read as follows:

The sums deposited with any savings bank, together with any dividends or interest credited thereto, shall be repaid to the depositors thereof respectively, or to their legal representatives, after demand in such manner, and at such times, and under such regulations, as the board of trustees shall prescribe, subject to the provisions of this section and (~~RCW 32.12.030~~) chapter 30.22 RCW. Such regulations shall be posted in a conspicuous place in the room where the business of such savings bank shall be transacted, and shall be available to depositors upon request. All such rules and regulations, and all amendments thereto, from time to time in effect, shall be binding upon all depositors.

(1) Such bank may at any time by a resolution of its board of trustees require a notice of not more than six months before repaying deposits, in which event no deposit shall be due or payable until the required notice of intention to withdraw the same shall have been personally given by the depositor: PROVIDED, That such bank at its option may pay any deposit or deposits before the expiration of such notice. But no bank shall agree with its depositors or any of them in advance to waive the requirement of notice as herein provided.

(2) Except as provided in subdivisions (3), (4), and (5) of this section the savings bank shall not pay any dividend, or interest, or deposit, or portion thereof, or any check drawn upon it by a depositor unless the certificate of deposit is produced, or the passbook of the depositor is produced and the proper entry is made therein, at the time of the payment.

(3) The board of trustees of any such bank may by its bylaws provide for making payments in cases of loss of passbook or certificate of deposit, or other exceptional cases where the passbooks or certificates of deposit cannot be produced without loss or serious inconvenience to depositors, the right to make such payments to cease when so directed by the supervisor upon his being satisfied that such right is being improperly exercised by any such bank; but payments may be made at any time upon the judgment or order of a court.

(4) The board of trustees of any such bank may by its bylaws provide for making payments to depositors at their request, of dividends or interest payable on any deposit, without requiring the production of the passbook or certificate of deposit of the depositor, and any payment made in accordance with any such request and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such savings bank for all payments made on account of such request prior to receipt by such savings bank of notice in writing not to pay such sums in accordance with the terms of such request.

(5) The issuance of a passbook or certificate of deposit may be omitted for any account if a ledger record thereof is maintained in lieu of a passbook or certificate of deposit on which shall be entered deposits, withdrawals, and interest credited: PROVIDED, That in any event a passbook or certificate of deposit shall be issued upon the request of any depositor.

EXPLANATORY NOTE: RCW 32.12.030 was repealed by 1981 c 192 § 33. The reference to this section has been amended to refer to a later enactment, chapter 30.22 RCW, which contains the substance of the repealed section.

Sec. 54. Section 35.13.280, chapter 7, Laws of 1965 and RCW 35.13-.280 are each amended to read as follows:

The annexation by any city of any territory pursuant to those provisions of chapter 35.10 RCW which relate to the annexation of a third class city or town to a first class city, or pursuant to the provisions of chapter(~~s~~<sup>35.12</sup> or) 35.13 RCW shall cancel, as of the effective date of such annexation, any franchise or permit theretofore granted to any person, firm or corporation by the state of Washington, or by the governing body of such annexed territory, authorizing or otherwise permitting the operation of any public transportation, garbage collection and/or disposal or other similar public service business or facility within the limits of the annexed territory, but the holder of any such franchise or permit canceled pursuant to this section shall be forthwith granted by the annexing city a franchise to continue such business within the annexed territory for a term of not less than five years

from the date of issuance thereof, and the annexing city, by franchise, permit or public operation, shall not extend similar or competing services to the annexed territory except upon a proper showing of the inability or refusal of such person, firm or corporation to adequately service said annexed territory at a reasonable price: PROVIDED, That the provisions of this section shall not preclude the purchase by the annexing city of said franchise, business, or facilities at an agreed or negotiated price, or from acquiring the same by condemnation upon payment of damages, including a reasonable amount for the loss of the franchise or permit. In the event that any person, firm or corporation whose franchise or permit has been canceled by the terms of this section shall suffer any measurable damages as a result of any annexation pursuant to the provisions of the laws above-mentioned, such person, firm or corporation shall have a right of action against any city causing such damages.

EXPLANATORY NOTE: Chapter 35.12 RCW was repealed by 1969 ex.s. c 89 § 18. The reference to this chapter has been deleted.

Sec. 55. Section 35.20.900, chapter 7, Laws of 1965 as amended by section 5, chapter 33, Laws of 1975 and RCW 35.20.900 are each amended to read as follows:

The provisions of RCW 35.22.420, 35.22.430, 35.22.440, (~~(35.22.450,)~~) 35.22.460, 35.22.480, 35.22.490, 35.22.510, 35.22.520, 35.22.530, 35.22.540, 35.22.550 and 35.22.560, in so far as inconsistent with the provisions of this chapter shall apply only to cities of the first class having a population of less than four hundred thousand inhabitants.

EXPLANATORY NOTE: RCW 35.22.450 was decodified. The reference to this section has been deleted.

Sec. 56. Section 35.39.050, chapter 7, Laws of 1965 and RCW 35.39.050 are each amended to read as follows:

RCW 35.39.030 (~~(and 35.39.040)~~) shall be deemed cumulative and not exclusive and shall be additional to any other power or authority granted any city or town.

EXPLANATORY NOTE: RCW 35.39.040 was repealed by 1980 c 34 § 2. The reference to this section has been deleted.

Sec. 57. Section 35.92.100, chapter 7, Laws of 1965 as last amended by section 48, chapter 56, Laws of 1970 ex. sess. and RCW 35.92.100 are each amended to read as follows:

When the voters of a city or town, or the corporate authorities thereof, have adopted a proposition for any public utility and either no general indebtedness has been authorized or the corporate authorities do not desire to incur a general indebtedness, and when the corporate authorities are authorized to exercise any of the powers conferred by this chapter without submitting the proposition to a vote, the corporate authorities may create a special fund for the sole purpose of defraying the cost of the public utility or

addition, betterment, or extension thereto, into which special fund they may obligate and bind the city or town to set aside and pay a fixed proportion of the gross revenues of the utility, or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and issue and sell bonds or warrants bearing interest at a rate or rates as authorized by the corporate authorities; payable semiannually, executed in such manner and payable at such times and places as the corporate authorities shall determine, but the bonds or warrants and the interest thereon shall be payable only out of the special fund and shall be a lien and charge against payments received from any utility local improvement district assessments pledged to secure such bonds. Such bonds shall be negotiable instruments within the meaning of the negotiable instruments law, (~~Title 62 RCW, or~~) Title 62A RCW, notwithstanding same are made payable out of a particular fund contrary to the provisions of RCW (~~62.01.003 or~~) 62A.3-105.

When corporate authorities deem it necessary to construct any sewage disposal plant, it may be considered as a part of the waterworks department of the city or town and the cost of construction and maintenance thereof may be chargeable to the water fund of the municipality, or to any other special fund which the corporate authorities may by ordinance designate.

In creating a special fund, the corporate authorities shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants, or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Rates shall be maintained adequate to service such bonds and to maintain the utility in sound financial condition.

The bonds or warrants and interest thereon issued against any such fund shall be a valid claim of the holder thereof only as against the special fund and its fixed proportion or amount of the revenue pledged thereto, and shall not constitute an indebtedness of the city or town within the meaning of constitutional provisions and limitations. Each bond or warrant shall state upon its face that it is payable from a special fund, naming it and the ordinance creating it. The bonds and warrants shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town, and they may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made only in such bonds and warrants at par value thereof.

When a special fund is created and any such obligation is issued against it, a fixed proportion, or a fixed amount out of and not exceeding such fixed proportion, or a fixed amount without regard to any fixed proportion, of

revenue shall be set aside and paid into such fund as provided in the ordinance creating it, and in case the city or town fails to thus set aside and pay such fixed proportion or amount, the holder of any bond or warrant against the fund may bring action against the city or town and compel such setting aside and payment: PROVIDED, That whenever the corporate authorities of any city or town shall so provide by ordinance then all such bonds thereafter issued shall be on a parity, without regard to date of issuance or authorization and without preference or priority of right or lien with respect to participation of special funds in amounts from gross revenues for payment thereof.

EXPLANATORY NOTE: Title 62 RCW was repealed by 1965 ex.s. c 157 § 10-102. The references to this title have been deleted.

Sec. 58. Section 35A.20.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.150 are each amended to read as follows:

A code city may exercise the power to bring an action or special proceeding at law as authorized by Title 4 RCW, chapters 7.24, 7.25 and (~~(7.32)~~) 7.33 RCW, and shall be subject to actions and process of law in accordance with procedures prescribed by law and rules of court.

EXPLANATORY NOTE: Chapter 7.32 RCW was repealed by 1969 ex.s. c 264 § 36 and 1967 c 142 § 19. The reference to this chapter has been amended to refer to a later enactment, chapter 7.33 RCW, governing the same subject.

Sec. 59. Section 35A.21.161, chapter 119, Laws of 1967 ex. sess. and RCW 35A.21.161 are each amended to read as follows:

All code cities shall observe and enforce, in addition to its local regulations, the provisions of state laws relating to the conduct, location and limitation on activities as regulated by state law and shall supply police information to the (~~(state bureau of criminal identification)~~) section on identification of the state patrol as required by chapter (~~(72.50)~~) 43.43 RCW.

EXPLANATORY NOTE: Chapter 72.50 RCW was repealed by 1970 ex.s. c 18 § 62 and 1972 ex.s. c 152 § 24. The powers and duties of the state bureau of criminal identification have devolved upon the section on identification of the state patrol under RCW 43.43.700 through 43.43.780.

Sec. 60. Section 35A.27.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.27.010 are each amended to read as follows:

Every code city may exercise the powers relating to the acquisition, development, improvement and operation of libraries and museums and the preservation of historical materials to the same extent authorized by general law for cities of any class, including, but not limited to, the authority for city libraries granted by RCW 35.22.280(~~((20))~~), the power to acquire and operate art museums, auditoriums, and other facilities as authorized by RCW 35.21.020, to participate in the establishment of regional libraries, and to contract for library service for public libraries with county, inter-county, and rural library districts, and for regional libraries as authorized

by chapter 27.12 RCW, to have a county law library or branch thereof generally under the provisions of chapter ~~((24.27))~~ 27.24 RCW, to preserve historical materials, markers, graves and records as provided in chapters 27.48 and ~~((27.52))~~ 43.51A RCW, and to expend municipal funds thereon.

EXPLANATORY NOTE: (1) Amendments to RCW 35.22.280 have renumbered subsection (20) of that section. To avoid ambiguity, the subsection reference has been deleted.

(2) The reference to chapter 24.27 RCW is in error. Chapter 27.24 RCW was apparently intended.

(3) Chapter 27.52 RCW was repealed by 1967 ex.s. c 19 § 11. Chapter 43.51A RCW, the office of archaeology and historic preservation, now governs this area.

Sec. 61. Section 35A.28.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.28.010 are each amended to read as follows:

Code cities shall have the authority to enter into contracts for joint acquisition of land and improvement thereof with school districts. Code cities and their relationship with public schools, colleges and school districts shall be governed by the provisions of general law, including Titles 28A and 28B RCW. Each code city shall be contained within one school district except as may be otherwise provided in RCW 28A.57.150(~~(, and may establish schools for truants under the provisions of RCW 13.12.010)~~).

EXPLANATORY NOTE: RCW 13.12.010 was repealed by 1971 c 44 § 1. The reference to this section has been deleted.

Sec. 62. Section 35A.37.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.37.010 are each amended to read as follows:

Code cities shall establish such funds for the segregation, budgeting, expenditure and accounting for moneys received for special purposes as are required by general law applicable to such cities' activities and the officers thereof shall pay into, expend from, and account for such moneys in the manner provided therefor including but not limited to the requirements of the following:

- (1) Accounting funds as required by RCW 35.37.010;
- (2) Annexation and consolidation fund as required by chapters 35.10(~~(; 35.11, and 35.12 RCW and RCW 35.37.025)~~) and 35.13 RCW;
- (3) Assessment fund as required by RCW 8.12.480;
- (4) Equipment rental fund as authorized by RCW 35.21.088;
- (5) Current expense fund as required by RCW 35.37.010, usually referred to as the general fund;
- (6) Local improvement guaranty fund as required by RCW 35.54.010;
- (7) An indebtedness and sinking fund, together with separate funds for utilities and institutions as required by RCW 35.37.020;
- (8) Local improvement district fund and revolving fund as required by RCW 35.45.130 and 35.48.010;
- (9) City street fund as required by chapter 35.76 RCW and RCW 47.24.040;

(10) Firemen's relief and pension fund as required by chapters 41.16 and 41.18 RCW;

(11) Policemen's relief and pension fund as required by RCW 41.20.130 and 63.32.030;

(12) First class cities' employees retirement and pension system as authorized by chapter 41.28 RCW;

(13) Applicable rules of the division of municipal corporations office of state auditor. RCW 43.09.190 through 43.09.282.

EXPLANATORY NOTE: Chapter 35.11 RCW has been recodified in chapter 35.10 RCW. Chapter 35.12 RCW and RCW 35.37.025 were repealed by 1969 ex.s. c 89 § 18; these references have been amended to refer to a later enactment, chapter 35.13 RCW, which contains the substance of the repealed chapter and section.

Sec. 63. Section 35A.40.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.040 are each amended to read as follows:

The general law as contained in RCW 35.38.050 through ~~((35.38.110))~~ 35.38.060, relating to the official bond of a city treasurer, a city official as officer, employee, or stockholder of a depository, and inclusion of "trust company" in the use of the word "bank", ~~((designation of a trustee for safekeeping of securities, procedure upon insolvency of a depository, prohibition of a bank acting as trustee of its own securities, compensation of a trustee of securities, and the trustee's receipt;))~~ is hereby recognized as applicable to code cities.

EXPLANATORY NOTE: RCW 35.38.070, 35.38.080, 35.38.090, 35.38.100, and 35.38.110 were repealed by 1969 ex.s. c 193 § 30. The reference in this section has been amended to refer to the section numerically preceding the repealed sections, and the text has been amended to delete the references to the subject matter of the repealed sections.

Sec. 64. Section 35A.40.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.050 are each amended to read as follows:

Excess and inactive funds on hand in the treasury of any code city may be invested in the same manner and subject to the same limitations as provided for city and town funds in all applicable statutes, including, but not limited to the following: RCW 32.12.100, 33.52.010, 35.39.030, ~~((35.39.040;))~~ 35.58.510, 35.81.070, 35.82.070, 36.29.020, 39.60.010, 39.60.020, 41.16.040, 68.12.060, 68.12.065, and 72.19.120.

The responsibility for determining the amount of money available in each fund for investment purposes shall be placed upon the department, division or board responsible for the administration of such fund.

Moneys thus determined available for this purpose may be invested on an individual fund basis or may, unless otherwise restricted by law be commingled within one common investment portfolio for the mutual benefit of all participating funds: PROVIDED, That if such moneys are commingled in a common investment portfolio, all income derived therefrom shall be apportioned among the various participating funds in direct proportion to the amount of money invested by each.

Any excess or inactive funds on hand in the city treasury not otherwise invested for the specific benefit of any particular fund, may be invested by the city treasurer in United States government bonds, notes, bills or certificates of indebtedness for the benefit of the general or current expense fund.

EXPLANATORY NOTE: RCW 35.39.040 was repealed by 1980 c 34 § 2. The reference to this section has been deleted.

Sec. 65. Section 35A.40.200, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.200 are each amended to read as follows:

Every code city shall have the authority to make public improvements and to perform public works under authority provided by general law for any class of city and to make contracts in accordance with procedure and subject to the conditions provided therefor, including but not limited to the provisions of: (1) Chapter 39.04 RCW, relating to public works; (2) RCW 35.23.352 relating to competitive bidding for public works, materials and supplies; (3) RCW 9.18.120 and 9.18.150 relating to suppression of competitive bidding; (4) chapter 60.28 RCW relating to liens for materials and labor performed; (5) chapter 39.08 RCW relating to contractor's bonds; (6) chapters 39.12, 39.16, and 43.03 RCW relating to prevailing wages; (7) chapter 49.12 RCW relating to hours of labor; (8) chapter 51.12 RCW relating to workmen's compensation; (9) ~~((chapter 39.20 RCW relating to employment of certain aliens; (10)))~~ chapter 49.60 RCW relating to anti-discrimination in employment; ~~((11))~~ (10) chapter 39.24 RCW relating to the use of Washington commodities; and ~~((12))~~ (11) chapter 39.28 RCW relating to emergency public works.

EXPLANATORY NOTE: Chapter 39.20 RCW was repealed by 1977 ex.s. c 16 § 1. The reference to this section has been deleted.

Sec. 66. Section 35A.41.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.41.020 are each amended to read as follows:

Except as otherwise provided in this title, the general provisions relating to public employment, including hospitalization and medical aid as provided in chapter 41.04 RCW, and the application of federal social security for public employees, the acceptance of old age and survivors insurance as provided in chapters 41.47 and 41.48 RCW, military leave as provided in RCW 38.40.060, the application of industrial insurance as provided in Title 51 RCW, and chapter ~~((43.100))~~ 43.101 RCW relating to training of law enforcement officers, shall apply to code cities. Any code city may retain any civil service system theretofore in effect in such city and may adopt any system of civil service which would be available to any class of city under general law.

EXPLANATORY NOTE: Chapter 43.100 RCW was repealed by 1974 ex.s. c 94 § 23. The reference to this chapter has been amended to refer to a later enactment, chapter 43.101 RCW, which contains the substance of the repealed chapter.

Sec. 67. Section 35A.42.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.42.050 are each amended to read as follows:



In addition to provisions of general law relating to public officials and others in public administration, employment or public works, the duties and conduct of such officers and other persons shall be governed by: (1) (~~RCW 9.18.010 and 9.18.020~~) Chapter 9A.68 RCW relating to bribery of a public officer; (2) Article II, section 30 of the Constitution of the state of Washington relating to bribery or corrupt solicitation; (3) RCW 35.17.150 relating to misconduct in code cities having a commission form of government; (4) chapter 42.23 RCW in regard to interest in contracts; (5) chapter 29.85 RCW relating to misconduct in connection with elections; (6) RCW 49.44.060 and 49.44.070 relating to grafting by employees; (7) RCW 49.44.020 and 49.44.030 relating to the giving or solicitation of a bribe to a labor representative; (8) chapter 42.20 RCW relating to misconduct of a public officer; (9) RCW 49.52.050 and 49.52.090 relating to rebating by employees; and (10) chapter 9.18 RCW relating to bribery and grafting.

EXPLANATORY NOTE: RCW 9.18.010 and 9.18.020 were repealed by 1975 1st ex.s. c 260 § 9A.92.010. The reference to these sections has been amended to refer to a later enactment, chapter 9A.68 RCW, which contains the substance of the repealed sections.

Sec. 68. Section 35A.47.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.47.020 are each amended to read as follows:

The designation of code city streets as a part of the state highway system, the jurisdiction and control of such streets, the procedure for acquisition or abandonment of rights of way for city streets and state highways, and the sale or lease of state highway land or toll facility to a code city, the requirements for accounting and expenditure of street funds, and the authority for contracting for the construction, repair and maintenance of streets by the state or county shall be the same as is provided in RCW 36.75.090, chapters 47.08, 47.12, 47.24 and 47.56 RCW, and the regulation of signs thereon as provided in chapter 47.42 RCW. Code cities shall be regulated in the acquisition, construction, maintenance, use and vacation of alleys, city streets, parkways, boulevards and sidewalks and in the design standards therefor as provided in chapters 35.68 through 35.79, 35.85, and 35.86 RCW and RCW (~~79.01.428~~) 79.93.010 relating to dedication of tidelands and shorelands to public use and in the use of state shared funds as provided by general law.

EXPLANATORY NOTE: RCW 79.01.428 was repealed by 1982 1st ex.s. c 21 § 183, effective July 1, 1983. The reference to this section has been amended to refer to a later enactment, RCW 79.93.010, which contains the substance of the repealed section.

Sec. 69. Section 35A.47.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.47.030 are each amended to read as follows:

The provisions of Title 47 RCW shall apply to code cities, its officers and employees to the same extent as such provisions are applicable to any other class of city within the state, including, without limitation, the following: (1) The acquisition by the state of municipal lands and the exchange of state highway and municipal lands, as provided in chapter 47.12 RCW; (2)

the dedication of public land for city streets as provided by RCW 36.34.290 and 36.34.300; (3) the allocation of fines and forfeitures for highway violations as provided in RCW 46.68.050 and 47.08.030; (4) city contributions to finance toll facilities as provided in RCW 47.56.250; (5) contracts with the (~~(highway commission)~~) department of transportation, as provided in RCW 47.01.210; (6) the construction, maintenance, jurisdiction, and control of city streets, as provided in chapter 47.24 RCW; (7) agreements between the (~~(highway commission)~~) department of transportation and a city for the benefit or improvement of highways, roads, or streets, as provided in RCW 47.28.140; (8) sales, leases, or transfers as authorized by RCW (~~(47-12-070)~~) 47.12.063, 47.12.066, and 47.12.080; (9) the erection of information signs as regulated by RCW 47.42.050 and 47.42.060; (10) provisions relating to limited access highways under chapter(~~(s)~~) 47.52 ((and 47.54)) RCW; (11) the acquisition and abandonment for state highways as provided by RCW 36.75.090 and 90.28.020; and (12) the sharing of maintenance of streets and alleys as an extension of county roads as provided by RCW 35.77.020.

EXPLANATORY NOTE: (1) RCW 47.12.070 was repealed by 1977 ex.s. c 78 § 9 and 1981 c 260 § 18. The reference to this section has been amended to refer to later enactments, RCW 47.12.063 and 47.12.066, which contain the substance of the repealed section.

(2) Chapter 47.54 RCW was repealed by 1969 c 91 § 3. The reference to this section has been deleted.

Sec. 70. Section 35A.~~58.030~~, chapter 119, Laws of 1967 ex. sess. as amended by section 9, chapter 251, Laws of 1971 ex. sess. and RCW 35A.~~58.030~~ are each amended to read as follows:

The provisions of chapter (~~(58-16)~~) 58.17 RCW together with the provisions of a code city's subdivision regulations as adopted by ordinance not inconsistent with the provisions of chapter 58.17 RCW shall control the platting and subdividing of land into lots or tracts comprising five or more of such lots or tracts or containing a dedication of any part thereof as a public street or highway, or other public place or use: PROVIDED, That nothing herein shall prohibit the legislative body of a code city from adopting reasonable ordinances regulating the subdivision of land into two or more parcels without requiring compliance with all of the requirements of the platting law.

EXPLANATORY NOTE: Chapter 58.16 RCW was repealed by 1969 ex.s. c 271 § 36. The reference to this chapter has been amended to refer to a later enactment, chapter 58.17 RCW, which contains the substance of the repealed chapter.

Sec. 71. Section 35A.69.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.69.010 are each amended to read as follows:

Every code city shall have the powers, perform the functions and duties and enforce the regulations prescribed by general laws relating to food and drugs for any class of city as provided by Title 69 RCW; relating to inspection of foods, meat, dairies, and milk as provided by chapter 16.49A RCW and RCW 15.36.560, ((16.49.030, 16.49.120,)) and 15.36.510; relating to

water pollution control as provided by chapter 90.48 RCW; and relating to shellfish as provided by RCW 75.08.150.

EXPLANATORY NOTE: RCW 16.49.030 and 16.49.120 were repealed by 1969 ex.s. c 145 § 64. The reference to these sections has been amended to refer to a later enactment, chapter 16.49A RCW, which contains the substance of the repealed sections.

Sec. 72. Section 35A.79.010, chapter 119, Laws of 1967 ex. sess. as amended by section 3, chapter 30, Laws of 1979 ex. sess. and RCW 35A.79.010 are each amended to read as follows:

A code city shall have all powers provided by general law to cities of any class relating to the receipt of donations of money and property, the acquisition, leasing and disposition of municipal property, both real and personal, including, but not limited to, the following: (1) Intergovernmental leasing, transfer or disposition of property as provided by chapter 39.33 RCW; (2) disposition of unclaimed property as provided by chapters 63.32 and (~~63-36~~) 63.21 RCW; (3) disposition of local improvement district foreclosures as provided by chapter 35.53 RCW; (4) materials removed from public lands as provided by RCW (~~79.01.178~~) 79.90.150; (5) purchase of federal surplus property as provided by chapter 39.32 RCW; and (6) land for recreation as provided by chapter 43.99 RCW. A code city in connection with the acquisition of property shall be subject to provisions relating to tax liens as provided by RCW 84.60.050 and 84.60.070. The general law relating to the damage or destruction of public property of a code city or interferences with the duties of a police or other officer shall relate to code city's properties and officers to the same extent as such laws apply to any class of city, its property or officers.

EXPLANATORY NOTE: (1) Chapter 63.36 RCW was repealed by 1979 ex.s. c 85 § 10. The reference to this chapter has been amended to refer to a later enactment, chapter 63.21 RCW, which contains the substance of the repealed chapter.

(2) RCW 79.01.178 was repealed by 1982 1st ex.s. c 21 § 183, effective July 1, 1983. The reference to this section has been amended to refer to a later enactment, RCW 79.90.150, which contains the substance of the repealed section.

Sec. 73. Section 35A.81.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.81.010 are each amended to read as follows:

Motor vehicles owned and operated by any code city shall be exempt from the provisions of chapter 81.80 RCW, except where specifically otherwise provided. Urban passenger transportation systems shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used in such systems to the extent authorized by chapter 82.36 RCW. Notwithstanding any provision of the law to the contrary, every urban passenger transportation system as defined in RCW (~~82.40.047~~) 82.38.080 shall be exempt from the provisions of chapter (~~82.40~~) 82.38 RCW which requires the payment of use fuel taxes.

EXPLANATORY NOTE: Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33. The references to this chapter have been amended to refer to a later enactment, chapter 82.38 RCW, which contains the substance of the repealed chapter.

Sec. 74. Section 35A.82.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.82.010 are each amended to read as follows:

A code city shall collect, receive and share in the distribution of state collected and distributed excise taxes to the same extent and manner as general laws relating thereto apply to any class of city or town including, but not limited to, funds distributed to cities pursuant to RCW 82.37.190 relating to motor vehicle fuel importer's tax, and RCW 82.36.020 relating to motor vehicle fuel tax, and RCW ((82.40.290)) 82.38.290 relating to use fuel tax, and RCW 82.36.275 and ((82.40.047)) 82.38.080(8).

EXPLANATORY NOTE: Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33. The references to this chapter have been amended to refer to a later enactment, chapter 82.38 RCW, which contains the substance of the repealed chapter.

Sec. 75. Section 35A.88.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.88.030 are each amended to read as follows:

General laws relating to harbor areas within cities, including but not limited to, chapter 36.08 RCW relating to transfer of territory lying in two or more counties; RCW ((79.16.180)) 79.92.110 relating to disposition of rental from leasehold in the harbor areas; RCW ((79.01.504)) 79.92.040 reserving to cities the right to lease harbor improvements; and RCW 88.32.240 and 88.32.250 relating to joint planning by cities and counties shall apply to, benefit and obligate code cities to the same extent as such general laws apply to any class of city.

EXPLANATORY NOTE: RCW 79.16.180 and 79.01.504 were repealed by 1982 1st ex.s. c 21 § 183, effective July 1, 1983. The references to these sections have been amended to refer to later enactments, RCW 79.92.110 and 79.92.040, respectively, which contain the substance of the repealed sections.

Sec. 76. Section 9, chapter 94, Laws of 1969 and RCW 36.26.090 are each amended to read as follows:

For good cause shown, or in any case involving a crime of widespread notoriety, the court may, upon its own motion or upon application of either the public defender or of the indigent accused, appoint an attorney other than the public defender to represent the accused at any stage of the proceedings or on appeal: PROVIDED, That the public defender may represent an accused, not an indigent, in any case of public notoriety where the court may find that adequate retained counsel is not available. The court shall award, and the county in which the offense is alleged to have been committed shall pay, such attorney reasonable compensation and reimbursement for any expenses reasonably and necessarily incurred in the presentation of the accused's defense or appeal, in accordance with the provisions of RCW 10.01.110 and ((10.01.112)) 4.88.330.

EXPLANATORY NOTE: RCW 10.01.112 was recodified as RCW 4.88.330 by 1975 1st ex.s. c 261 § 2. The reference in this section has been amended to reflect this change.

Sec. 77. Section 36.32.240, chapter 4, Laws of 1963 as last amended by section 1, chapter 52, Laws of 1974 ex. sess. and RCW 36.32.240 are each amended to read as follows:

In any county the board of county commissioners may by resolution establish a county purchasing department and thereafter such department shall contract on a competitive basis for all public works and purchase or lease on a competitive basis all supplies, materials, and equipment, for all departments of the county, exclusive of the county hospital, pursuant to the provisions hereof and under such rules as the board shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to RCW (~~36.77.060~~) 36.77.065, 36.77.070 and 36.82.130, and except for such contracts and purchases for the printing of election ballots, voting machine labels and all other election material containing the names of candidates and ballot titles: PROVIDED, That in all class AA or class A counties or in any county of the first class it shall be mandatory that a purchasing department be established.

EXPLANATORY NOTE: RCW 36.77.060 was repealed by 1980 c 40 § 2. The reference to this section has been amended to refer to a later enactment, RCW 36.77.065, which contains the substance of the repealed section.

Sec. 78. Section 36.64.060, chapter 4, Laws of 1963 and RCW 36.64-.060 are each amended to read as follows:

Whenever the board of county commissioners of a county of the first class deems it for the interest of the county to construct or to aid the United States in constructing a canal to connect any bodies of water within the county, such county may construct such canal or aid the United States in constructing it and incur indebtedness for such purpose to an amount not exceeding five hundred thousand dollars and issue its negotiable bonds therefor in the manner and form provided in RCW (~~36.67.020~~) 36.67.030 through 36.67.060. Such construction or aid in construction is a county purpose.

EXPLANATORY NOTE: RCW 36.67.020 was repealed by 1971 c 76 § 6. The RCW reference in this section has been amended to refer to the section numerically following the repealed section.

Sec. 79. Section 36.67.030, chapter 4, Laws of 1963 and RCW 36.67-.030 are each amended to read as follows:

Whenever any debt is incurred under the provisions of (~~either~~) RCW 36.67.010 (~~or 36.67.020~~), the board of commissioners of the county may issue its negotiable bonds in the name of the county for the purposes designated in resolution or notice of election.

EXPLANATORY NOTE: RCW 36.67.020 was repealed by 1971 c 76 § 6. The reference to this section has been deleted.

Sec. 80. Section 36.69.200, chapter 4, Laws of 1963 and RCW 36.69-.200 are each amended to read as follows:

Whenever the board of park and recreation commissioners of any district shall determine that any proposed capital improvement would be of special benefit to all or to any portion of the district, it may establish local improvement districts within its territory; levy special assessments under the

mode of annual installments extending over a period not exceeding twenty years, on all property specially benefited by a local improvement, on the basis of special benefits to pay in whole or in part the damage or costs of any improvements ordered in the district; and issue local improvement bonds in the improvement district to be repaid by the collection of local improvement assessments. The method of establishment, levying, collection and enforcement of such assessments and issuance and redemption of local improvement warrants and bonds and the provisions regarding the conclusiveness of the assessment roll and the review by the superior court of any objections thereto shall be as provided for the levying, collection, and enforcement of local improvement assessments and the issuance of local improvement bonds by cities of the first class, (~~including the restraints provided for in RCW 35.43.160 through 35.43.170;~~) insofar as consistent herewith. The duties devolving upon the city treasurer are hereby imposed upon the county treasurer for the purposes hereof. The mode of assessment shall be determined by the board.

EXPLANATORY NOTE: RCW 35.43.160 through 35.43.170 were repealed by 1971 ex.s. c 116 § 12. The reference to these sections has been deleted.

Sec. 81. Section 36.77.070, chapter 4, Laws of 1963 and RCW 36.77-.070 are each amended to read as follows:

If the board determines that any construction should be performed by day labor, and the estimated cost of the work exceeds twenty-five hundred dollars, it shall cause to be published in one issue of a newspaper of general circulation in the county, a brief description of the work to be done and the county road engineer's estimate of the cost thereof. At the completion of such construction, the board shall cause to be published in one issue of such a newspaper a similar brief description of the work together with an accurate statement of the true and complete cost of performing such construction by day labor.

Failure to make the required publication shall subject each county commissioner to a fine of one hundred dollars for which he shall be liable individually and upon his official bond and the prosecuting attorney shall prosecute for violation of the provisions of this section and RCW (~~36.77-.060~~) 36.77.065.

EXPLANATORY NOTE: RCW 36.77.060 was repealed by 1980 c 40 § 2. The reference to this section has been amended to refer to a later enactment, RCW 36.77.065, which contains the substance of the repealed section.

Sec. 82. Section 18, chapter 72, Laws of 1967 as amended by section 8, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.180 are each amended to read as follows:

In the event of the annexation to a city or town of an area in which a county is operating a sewerage and/or water system, the property, facilities, and equipment of such sewerage and/or water system lying within the annexed area may be transferred to the city or town if such transfer will not

materially affect the operation of any of the remaining county system, subject to the assumption by the city or town of the county's obligations relating to such property, facilities, and equipment, under the procedures specified in (~~RCW 35.13.220 through 35.13.246 inclusive~~), and pursuant to the authority contained in (~~RCW 35.13.250 as now existing or hereafter amended~~), chapter 35.13A RCW.

EXPLANATORY NOTE: Chapter 35.13 RCW was repealed by 1971 ex.s. c 95 § 10. The references to sections of that chapter have been amended to refer to a later enactment, chapter 35.13A RCW, which contains the substance of the repealed chapter. The phrase "as now existing or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

Sec. 83. Section 7, chapter 233, Laws of 1963 and RCW 40.06.070 are each amended to read as follows:

This chapter shall not apply to nor affect the duties concerning publications distributed by, or officers of:

- (1) The state law library; and
- (2) The statute law committee and the code reviser(~~;~~ and
- (3) ~~The secretary of state in connection with his duties under RCW 44-20.030 and 44.20.040~~).

EXPLANATORY NOTE: RCW 44.20.040 was repealed by 1982 1st ex.s. c 33 § 8. The duties of the secretary of state under RCW 44.20.030 have devolved upon the statute law committee as a result of 1969 c 6 § 2. References to these sections have been deleted.

Sec. 84. Section 8, chapter 246, Laws of 1957 and RCW 40.14.080 are each amended to read as follows:

The provisions of this chapter shall not be construed as repealing or modifying any other acts or parts of acts authorizing the destruction of public records save for those specifically named in section 9 of this act; nor shall this chapter affect the provisions of (~~RCW 40.04.020~~) chapter 40.07 RCW requiring the deposit of all state publications in the state library.

EXPLANATORY NOTE: RCW 40.04.020 was repealed by 1977 ex.s. c 232 § 12. The reference to this section has been amended to refer to a later enactment, chapter 40.07 RCW, which contains the substance of the repealed section.

Sec. 85. Section 10, chapter 102, Laws of 1971 ex. sess. and RCW 40.14.180 are each amended to read as follows:

The provisions of RCW 40.14.010 and 40.14.100 through 40.14.180 shall not be construed as repealing or modifying any other acts or parts of acts authorizing the retention or destruction of public records nor shall RCW 40.14.010 and 40.14.100 through 40.14.180 affect the provisions of (~~RCW 40.04.020~~) chapter 40.07 RCW requiring the deposit of all state publications in the state library nor shall it affect the confidentiality of the bill drafting records of the code reviser's office.

EXPLANATORY NOTE: RCW 40.04.020 was repealed by 1977 ex.s. c 232 § 12. The reference to this section has been amended to refer to a later enactment, chapter 40.07 RCW, which contains the substance of the repealed section.

Sec. 86. Section 1, chapter 78, Laws of 1949 and RCW 41.04.040 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 41.04.040 (~~through 41.04.060~~) and 41.04.050 shall have the following meanings:

(1) "Retirement system" shall mean any pension fund or retirement system established under the statutes of this state and to which the state contributes any portion of the funds of such plan or system, except systems covering less than fifty employees each.

(2) "Member" shall mean any employee of the state of Washington or of any department or agency thereof or of any municipal corporation or instrumentality thereof, who is included in the membership of any retirement system.

(3) "Beneficiary" shall mean any person who receives a retirement allowance, pension, or other benefit provided by any retirement system.

(4) "Retirement board" shall mean the governing body of a retirement system, regardless of the name applied to such body in the statutes establishing the system.

(5) "Qualified actuary" shall mean a person who shall have passed the whole of the associateship examinations of the Actuarial Society of America or of the American Institute of Actuaries or of their successor body, the Society of Actuaries.

EXPLANATORY NOTE: RCW 41.04.060 was repealed by 1980 c 29 § 3. The reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 87. Section 2, chapter 78, Laws of 1949 and RCW 41.04.050 are each amended to read as follows:

The retirement board of each retirement system shall collect and keep in convenient form such data as shall be necessary for an actuarial valuation of the assets and liabilities of the retirement system, and for making an actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of the retirement system. At least once in each five year period commencing after (~~the effective date of this act~~) June 8, 1949, the retirement board shall cause an actuarial investigation to be made into the mortality, service, compensation and other experience of the members and beneficiaries of the retirement system, and into the financial condition of the retirement system. Such investigation shall be made by a qualified actuary appointed by the retirement board; shall be commenced within six months after the close of the period to be studied and shall be completed within an additional six months by the filing with the retirement board of an adequate report on the status of the retirement system. Upon the basis of such actuarial investigation the retirement board shall adopt such tables, schedules, factors, and regulations as are deemed necessary in the light of the findings of the actuary for the proper operation



of the retirement system, and for making effective the provisions of RCW 41.04.040 (~~(through 41.04.060)~~) and this section.

EXPLANATORY NOTE: RCW 41.04.060 was repealed by 1980 c 29 § 3. The reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 88. Section 7, chapter 237, Laws of 1969 ex. sess. and RCW 41.04.220 are each amended to read as follows:

Any governmental entity other than state agencies, may use the services of the department of general administration upon the approval of the director, in procuring health benefit programs as provided by RCW 41.04.180, (~~(28.76.410,)~~) 28A.58.420 and 28B.10.660: PROVIDED, That the department of general administration may charge for the administrative cost incurred in the procuring of such services.

EXPLANATORY NOTE: RCW 28.76.410 was repealed by 1969 ex.s. c 223. This reference to this section has been deleted.

Sec. 89. Section 1, chapter 73, Laws of 1975 1st ex. sess. and RCW 41.04.235 are each amended to read as follows:

Participants in a health care benefit plan approved pursuant to RCW 41.04.180, (~~(41.05.020)~~) 41.05.025, or 28A.58.420, whichever is applicable, who are retired public employees, may authorize the deduction from their retirement allowances, of the amount or amounts of their subscription payments, premiums, or contributions to any person, firm, or corporation furnishing or providing medical, surgical, and hospital care or other health care insurance upon the approval by the retirement board of an application for such deduction on the prescribed form, and the treasurer of the state shall duly and timely draw and issue proper warrants directly to and in favor of the person, firm, or corporation, or organization named in the authorization for the amount authorized to be deducted.

EXPLANATORY NOTE: RCW 41.05.020 was repealed by 1977 ex.s. c 136 § 7 and 1979 c 125 § 4. The reference to this section has been amended to refer to a later enactment, RCW 41.05.025, which contains the substance of the repealed section.

Sec. 90. Section 1, chapter 39, Laws of 1970 ex. sess. as last amended by section 2, chapter 125, Laws of 1979 and RCW 41.05.010 are each amended to read as follows:

Unless the context clearly indicates otherwise, words used in this chapter have the following meaning:

(1) "Board" means the state employees' insurance board established under the provisions of RCW (~~(41.05.020)~~) 41.05.025.

(2) "Employee" shall include all full time and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full time members of boards, commissions, or committees; and shall include any or all part time and temporary employees under the terms and conditions established by the

board; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970.

(3) "Panel medicine plan" means a health care plan which can be offered by a health care service contractor which itself furnishes the health care service contracted for by means of a group practice prepaid medical care plan, and also includes a health maintenance organization holding a valid certificate of registration under chapter 48.46 RCW.

(4) "Trustee" shall mean the director of personnel.

EXPLANATORY NOTE: RCW 41.05.020 was repealed by 1977 ex.s. c 136 § 7 and 1979 c 125 § 4. The reference to this section has been amended to refer to a later enactment, RCW 41.05.025, which contains the substance of the repealed section.

Sec. 91. Section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 1, chapter 34, Laws of 1982 1st ex. sess. and RCW 41.05.025 are each amended 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 July 1, 1977, 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 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 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. 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. The board may but shall not be required to pay more for health benefits under a panel medicine plan than it would otherwise be required to pay for health benefits by a contract with a regularly constituted insurance carrier or health care service contractor in effect at the time the panel medicine plan is included in the employee health care benefit plan. Except for panel medicine plans, the board may but is not required to contract with more than one insurance carrier or health care service contractor to provide similar 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)))~~ 41.05.010(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 or subscription cost to the individual employees and officials, unless the board approves a panel medicine plan at a subscription rate in excess of the premium of the regularly constituted insurance carrier or health care service contractor, in which circumstances an employee contribution may be authorized at an amount equal to such excess. 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.

(4) The board shall review plans proposed by insurance carriers who desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by carriers holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

EXPLANATORY NOTE: RCW 41.05.020, which was repealed by 1977 ex.s. c 136 § 7 and 1979 c 125 § 4, was incorrectly cited as the location of the referenced definition. The definition is found in RCW 41.05.010(2), which was apparently intended.

Sec. 92. Section 1, chapter 71, Laws of 1959 and RCW 41.20.160 are each amended to read as follows:

Any person affected by this chapter who was a member of a police organization operated by a private enterprise which police organization shall be hereafter acquired before September 1, 1959, by a city of the first class as its police department as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such police organization, shall have added to his period of employment as computed under this chapter his period of service with said private enterprise, except that this shall apply only to those persons who are in the service of such police organization at the time of its acquisition by the city of the first class and who remain in the service of that city until this chapter shall become applicable to such persons.

No such person shall have added to his period of employment as computed under this chapter his period of service with said private enterprise unless he or a third party shall pay to the city his contribution for the period of such service with the private enterprise, or, if he shall be entitled to any private pension or retirement benefits as a result of such service with the private enterprise, unless he agrees at the time of his employment by the city to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added service by the amount of those private pension or retirement benefits received. The rate of such contribution shall be two percent of the wage or salary of such person

during that added period of service with the private enterprise before midnight, June 8, 1955, and four and one-half percent of such wage or salary after midnight, June 8, 1955. Such contributions shall be paid into the police relief and pension fund and shall be held subject to the provisions of RCW 41.20.150, except that all such contributions shall be deemed to have been made after June 8, 1955. Such contributions may be invested in investments permitted ~~((by RCW 35.39.040))~~ under chapter 35.39 RCW and may be kept invested until required to meet payments of benefits to such persons.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the police relief and pension fund to assume its obligations.

EXPLANATORY NOTE: RCW 35.39.040 was repealed by 1980 c 34 § 2. The reference to this section has been amended to refer to chapter 35.39 RCW, which contains the substance of the repealed section.

Sec. 93. Section 9, chapter 207, Laws of 1939 as amended by section 2, chapter 211, Laws of 1969 ex. sess. and RCW 41.28.080 are each amended to read as follows:

(1) There is hereby created and established a board of administration in each city coming under this chapter, which shall, under the provisions of this chapter and the direction of the city council or city commission, administer the retirement system and the retirement fund created by this chapter. Under and pursuant to the direction of the city council or city commission, the board shall provide for the proper investment of the moneys in the said retirement fund.

(2) The board of administration shall consist of seven members, as follows: Three members appointed by the regular appointing authority of the city, and three employees who are eligible to membership in the retirement system, to be elected by the employees. The above six members shall appoint the seventh member.

(3) The investment of all or any part of the retirement fund shall be subject to ~~((RCW 35.39.040 or as amended or supplemented from time to time))~~ chapter 35.39 RCW.

(4) Subject to such provisions as may be prescribed by law for the deposit of municipal funds in banks, cash belonging to the retirement fund may be deposited in any licensed national bank or in any bank, banks or corporations authorized or licensed to do a banking business and organized under the laws of the state of Washington.

(5) The city treasurer shall be the custodian of the retirement fund. All payments from said fund shall be made by the city treasurer but only upon warrant duly executed by the city comptroller.

(6) Except as herein provided, no member and no employee of the board of administration shall have any interest, direct or indirect, in the making of

any investments from the retirement fund, or in the gains or profits accruing therefrom. And no member or employee of said board, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by said board; nor shall any member or employee of said board become an endorser or surety or become in any manner an obligor for moneys invested by the board.

EXPLANATORY NOTE: RCW 35.39.040 was repealed by 1980 c 34 § 2. The reference to this section has been amended to refer to chapter 35.39 RCW, which contains the substance of the repealed section. The phrase "as amended or supplemented from time to time" is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

Sec. 94. Section 7, chapter 151, Laws of 1972 ex. sess. as amended by section 10, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.193 are each amended to read as follows:

Retirement allowances paid to members eligible to retire under the provisions of RCW 41.40.180, 41.40.200, 41.40.210, 41.40.220, 41.40.230, (~~41.40.240~~) and 41.40.250 shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from service. Retirement allowance paid to members eligible to retire under any other provisions of this 1972 amendatory act shall accrue from the first day of a calendar month but in no event earlier than the first day of the calendar month immediately following the calendar month during which the member is separated from service.

EXPLANATORY NOTE: RCW 41.40.240 was repealed by 1972 ex.s. c 151 § 15. The reference to this section has been deleted.

Sec. 95. Section 27, chapter 274, Laws of 1947 as last amended by section 9, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.260 are each amended to read as follows:

Subject to the provisions of RCW 41.40.280, should a member cease to be an employee, he may request upon a form provided by the retirement board a refund of all or part of the funds standing to his credit in the employees' savings fund and this amount shall be paid to him: PROVIDED, That withdrawal of all or part of the funds by a member who is eligible for a service retirement allowance in RCW 41.40.180 or a disability retirement allowance in RCW 41.40.200, 41.40.210, 41.40.220, 41.40.230, (~~41.40.240;~~) or 41.40.250 shall constitute a waiver of any service or disability retirement allowance: PROVIDED FURTHER, That the withdrawal of all or part of additional contributions made pursuant to RCW 41.40.330(2) shall not constitute a waiver.

EXPLANATORY NOTE: RCW 41.40.240 was repealed by 1972 ex.s. c 151 § 15. The reference to this section has been deleted.

Sec. 96. Section 5, chapter 195, Laws of 1974 ex. sess. as amended by section 97, chapter 169, Laws of 1977 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 regional universities and The Evergreen State College, as defined in RCW (~~28B.10.015 as now or hereafter amended~~) 28B.10.016, 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~~) RCW 41.40.515 through 41.40.522: 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 regional universities and The Evergreen State College 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 regional universities and The Evergreen State College 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.

EXPLANATORY NOTE: (1) RCW 28B.10.015 was repealed by 1977 ex.s. c 169 § 115. The reference to this section has been amended to refer to a later enactment, RCW 28B.10.016, which contains the substance of the repealed section. The phrase 'as now or hereafter amended' is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

(2) The phrase "this 1974 amendatory act" has been deleted and replaced by statutory references to the appropriate sections of 1974 ex.s. c 195.

Sec. 97. Section 11, chapter 105, Laws of 1975-'76 2nd ex. sess. as amended by section 8, chapter 294, Laws of 1981 and RCW 41.50.090 are each amended to read as follows:

(1) Except as otherwise provided in this section, on the effective date of transfer as provided in RCW 41.50.030, the department shall succeed to and is vested with all powers, duties, and functions now or by any concurrent act of this 1976 legislature vested in the individual retirement boards set forth in RCW 41.50.030 relating to the administration of their various retirement systems, including but not limited to the power to appoint a staff and define the duties thereof: PROVIDED, That actuarial services required by the department shall be performed by the state actuary as provided in RCW 44.44.040.

(2) The department shall keep each retirement board fully informed on the administration of the corresponding retirement system, and shall furnish any information requested by a retirement board.

(3) Rules proposed by the director under RCW (~~(2.10.050,)~~) 2.10.070, 41.26.060, 41.32.160, 41.40.020, or 43.43.140 shall be submitted to the appropriate retirement boards for review prior to adoption. After receiving approval of the members of the appropriate board, such rules shall become effective as provided by the administrative procedure act, chapter 34.04 RCW.

(4) Each retirement board shall continue to perform all functions as are vested in it by law with respect to applications for benefits paid upon either temporary or permanent disability, with such staff assistance from the department as may be required. The director shall perform those functions with respect to disability benefits as are vested in him or her by RCW 41.26.120 and 41.26.200.

EXPLANATORY NOTE: RCW 2.10.050 was repealed by 1982 c 163 § 23. The reference to this section has been deleted.

Sec. 98. Section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020 are each amended to read as follows:

This chapter shall apply to any county or municipal corporation, or any political subdivision of the state of Washington except as otherwise provided by RCW (~~(47.64.030)~~) 47.64.031, 47.64.040, 54.04.170, 54.04.180, (~~(28-72.010 through 28.72.090,)~~) and chapters 41.59 and 53.18 RCW.

EXPLANATORY NOTE: (1) RCW 47.64.030 was repealed by 1981 c 344 § 10. The reference to this section has been amended to refer to a later enactment, RCW 47.64.031, which contains the substance of the repealed section.

(2) RCW 28.72.010 through 28.72.090 were repealed and reenacted as RCW 28A.72.010 through 28A.72.090 by 1969 ex.s. c 223, which have subsequently been repealed. References to these sections have been deleted.



Sec. 99. Section 11, chapter 215, Laws of 1969 ex. sess. as last amended by section 18, chapter 87, Laws of 1980 and RCW 41.56.420 are each amended to read as follows:

The committee shall study the operation of chapter 108, Laws of 1967 extraordinary session, relating to public employees collective bargaining, including an evaluation of the collective bargaining practices and procedures of uniformed personnel, and review the efficacy of RCW ((~~28.75.130~~)~~28B.16.130~~), 41.06.340, 41.56.140 through 41.56.190 and 41.56.400 through 41.56.420 or any part thereof as a means of furthering and improving management relationships within public service. The committee shall submit its report to the governor and the state legislature, with a copy to the legislative council, prior to the convening of each regular session of the legislature during an odd-numbered year, or to any special session if the committee deems it appropriate. The report shall contain specific recommendations as to necessary or desirable changes, if any, in the law, and shall also include any proposed legislation necessary to implement the recommendations of the committee.

EXPLANATORY NOTE: RCW 28.75.130 was repealed and reenacted as RCW 28B.16.130 by 1969 ex.s. c 223. The reference to this section has been deleted.

Sec. 100. Section 3, chapter 145, Laws of 1972 ex. sess. and RCW 43.08.135 are each amended to read as follows:

The state treasurer shall maintain at all times cash, or demand deposits in qualified public depositories in an amount needed to meet the operational needs of state government: PROVIDED, That the state treasurer shall not be considered in violation of RCW ((~~9.54.050~~) 9A.56.060(1)) if he maintains demand accounts in public depositories in an amount less than all treasury warrants issued and outstanding.

EXPLANATORY NOTE: RCW 9.54.050 was repealed by 1975 1st ex.s. c 260 § 9A.92.010. The reference to this section has been amended to refer to a later enactment, RCW 9A.56.060(1), which contains the substance of the repealed section.

Sec. 101. Section 43.19.015, chapter 8, Laws of 1965 as amended by section 2, chapter 115, Laws of 1981 and RCW 43.19.015 are each amended to read as follows:

The director of general administration shall have the power and duties of the director of public institutions contained in the following chapters of RCW: Chapter 33.04 RCW concerning savings and loan associations; chapter 39.32 RCW concerning purchase of federal property; ((~~chapter 43.90 RCW concerning central stores~~)) and chapter 73.12 RCW concerning veterans' loan insurance.

EXPLANATORY NOTE: Chapter 43.90 RCW was repealed by 1959 c 178 § 21. The reference to this chapter has been deleted.

Sec. 102. Section 1, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1901 are each amended to read as follows:

The term "purchase" as used in RCW 43.19.190 through (~~43.19.210~~) 43.19.200, and as they may hereafter be amended, shall include leasing or renting: PROVIDED, That the purchasing, leasing or renting of electronic data processing equipment shall not be included in the term "purchasing" if and when such transactions are otherwise expressly provided for by law.

EXPLANATORY NOTE: RCW 43.19.210 was repealed by 1967 ex.s. c 104 § 7. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

NEW SECTION. Sec. 103. Section 10, chapter 284, Laws of 1969 ex. sess. and RCW 43.27A.075 are each repealed.

EXPLANATORY NOTE: RCW 43.27A.075 is an obsolete section of law recommended for repeal. RCW 43.27A.070, to which RCW 43.27A.075 refers, was repealed by 1970 ex.s. c 62 § 30.

Sec. 104. Section 8, chapter 242, Laws of 1967 and RCW 43.27A.080 are each amended to read as follows:

The department shall exercise the powers, duties and functions(~~(; through divisions as provided for in RCW 43.27A.070)~~) of the following state agencies or division of state agencies, and public officials, and all their powers, duties and functions are transferred to the department of water resources:

- (1) The division of reclamation of the department of conservation;
- (2) The division of water resources of the department of conservation;
- (3) The division of flood control of the department of conservation;
- (4) The division of power resources of the department of conservation;
- (5) The Columbia basin commission;
- (6) The weather modification board;

All other powers, duties or functions now vested in the department of conservation or the director thereof are transferred to the department of water resources, except those powers which are expressly transferred to some other agency of the state by this chapter. The director in exercising the powers, duties and functions of the Columbia basin commission as set forth in chapter 43.49 RCW may create and maintain in the department a Columbia basin division.

EXPLANATORY NOTE: RCW 43.27A.070 was repealed by 1970 ex.s. c 62 § 30. The reference to this section has been deleted.

Sec. 105. Section 43.30.090, chapter 8, Laws of 1965 and RCW 43.30.090 are each amended to read as follows:

The department shall exercise the powers, duties and functions of the state capitol committee with respect to capitol building lands and resources thereon as set forth in RCW 79.24.010 through (~~(79.24.090)~~) 79.24.087, and such powers, duties and functions are hereby transferred to the department.

EXPLANATORY NOTE: RCW 79.24.090 was repealed by 1959 c 257 § 48. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

NEW SECTION. Sec. 106. Section 43.30.140, chapter 8, Laws of 1965 and RCW 43.30.140 are each repealed.

EXPLANATORY NOTE: RCW 43.30.140 is an obsolete section of law recommended for repeal. RCW 79.56.010, to which RCW 43.30.140 refers, was repealed by 1971 ex.s. c 234 § 17.

Sec. 107. Section 2, chapter 63, Laws of 1970 ex. sess. as amended by section 1, chapter 69, Laws of 1980 and RCW 43.43.610 are each amended to read as follows:

The drug control assistance unit shall provide investigative assistance for the purpose of enforcement of the provisions of ~~((chapters 69.32 and))~~ chapter 69.40 RCW.

EXPLANATORY NOTE: The substantive provisions of chapter 69.32 RCW were repealed by 1975-'76 2nd ex.s. c 103 § 3, and the remaining sections of chapter 69.32 RCW are being decodified under section 169 of this 1983 act. The reference to chapter 69.32 RCW has therefore been deleted.

Sec. 108. Section 14, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.765 are each amended to read as follows:

The principal officers of the jails, correctional institutions, state mental institutions and all places of detention to which a person is committed under chapter ~~((10.76))~~ 10.77 RCW or chapter 71.06 RCW for treatment or under a sentence of imprisonment for any crime as provided for in RCW 43.43.735 shall within seventy-two hours, report to the section, any interinstitutional transfer, release or change of release status of any person held in custody pursuant to the rules promulgated by the chief.

The principal officers of all state mental institutions to which a person has been committed under chapter ~~((10.76))~~ 10.77 RCW or chapter 71.06 RCW shall keep a record of the photographs, description, fingerprints, and other identification data as may be obtainable from the appropriate criminal justice agency.

EXPLANATORY NOTE: Chapter 10.76 RCW was repealed by 1973 1st ex.s. c 117 § 29 and 1965 ex.s. c 9 § 7. The reference to this chapter has been amended to refer to a later enactment, chapter 10.77 RCW, which contains the substance of the repealed chapter.

Sec. 109. Section 6, chapter 120, Laws of 1967 as amended by section 5, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.675 are each amended to read as follows:

Nothing in RCW 43.51.650 through 43.51.685 shall be construed to interfere with the powers, duties and authority of the department of fisheries to regulate the conservation or taking of food fish and shellfish. Nor shall anything in RCW 43.51.650 through 43.51.685 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 ~~((, notwithstanding the provisions of RCW 9.61.040))~~: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

EXPLANATORY NOTE: RCW 9.61.040 was repealed by 1975 1st ex.s. c 260 § 9A.92-.010. The reference to this section has been deleted.

Sec. 110. Section 46.08.180, chapter 12, Laws of 1961 as amended by section 7, chapter 120, Laws of 1967 and RCW 43.51.680 are each amended to read as follows:

For the protection and conservation of natural resources, and for the safety and enjoyment of the public using the beaches, the Washington state parks and recreation commission, after agreement with the Washington state (~~(highway commission)~~) department of transportation, shall establish reasonable regulations for the use and control of vehicular traffic on and along the ocean beach highways as designated and established under RCW (~~(79.16.130, 79.16.160, and 79.16.170)~~) 79.94.340, 79.94.350, and 79.94.360. The Washington state parks and recreation commission shall cooperate with county sheriffs and the state patrol in enforcing such traffic regulations: PROVIDED, That automobile driving shall be permitted on the beaches subject to the authority of the department of fisheries to prohibit driving over clam beds.

EXPLANATORY NOTE: RCW 79.16.130, 79.16.160, and 79.16.170 were repealed by 1982 1st ex.s. c 21 § 183, effective July 1, 1983. The references to these sections have been amended to refer to later enactments, RCW 79.94.340, 79.94.350, and 79.94.360, which contain the substance of the repealed sections.

NEW SECTION. Sec. 111. RCW 43.59.100, 43.59.110, and 43.59.120 are each decodified.

EXPLANATORY NOTE: RCW 43.59.100, 43.59.110, and 43.59.120 are sections of a temporary nature and are recommended for decodification. Chapter 43.60 RCW, to which RCW 43.59.110 refers, was repealed by 1967 ex.s. c 147 § 15.

Sec. 112. Section 15, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.905 are each amended to read as follows:

Nothing in this chapter shall be construed to affect any existing rights acquired under RCW 43.17.010, 43.17.020, 43.61.030, 43.61.040, (~~(43.61.050;)~~) or 43.61.070, as now or hereafter amended, 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, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties, and functions as provided herein, shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to June 25, 1976.

EXPLANATORY NOTE: RCW 43.61.050 was repealed by 1979 ex.s. c 59 § 3. The reference to this section has been deleted.

Sec. 113. Section 43.85.190, chapter 8, Laws of 1965 as amended by section 21, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.190 are each amended to read as follows:

It is the purpose of RCW 43.85.190 through (~~(43.85.240)~~) 43.85.230 to authorize the state treasurer to make investment deposits of state moneys or funds in his custody in state depositories at a rate of interest fixed by the public deposit protection commission in accordance with RCW 39.58.120.

EXPLANATORY NOTE: RCW 43.85.240 was repealed by 1971 ex.s. c 72 § 3. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 114. Section 12, chapter 5, Laws of 1965 and RCW 43.99.120 are each amended to read as follows:

Any public body or any agency of state government authorized to acquire or improve public outdoor recreation land which desires funds from the outdoor recreation account shall submit to the committee a six-year plan for developing outdoor recreation facilities within its authority and detailed plans for the projects sought to be financed from the outdoor recreation account, including estimated cost and such other information as the committee may require. The committee shall analyze all proposed plans and projects, and(~~(; except as provided in RCW 43.99.140;)~~) shall recommend to the governor for inclusion in the budget such projects as it may approve and find to be consistent with an orderly plan for the acquisition and improvement of outdoor recreation lands in the state.

EXPLANATORY NOTE: RCW 43.99.140 was repealed by 1971 ex.s. c 140 § 3. The reference to this section has been deleted.

Sec. 115. Section 6, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.041 are each amended to read as follows:

The authority shall have the following powers and duties:

(1) To study, organize, and/or develop automated data processing systems to serve interagency and intraagency needs of state agencies, to provide services of said nature, and to require the development of interagency automated data processing systems;

(2) To examine the desirability of removing common application systems, such as the payroll application system, from the individual agencies and assigning such functions to a single state agency;

(3) To make contracts, and to hire employees and consultants necessary or convenient for the purposes of this chapter, and fix their compensation; to enter into appropriate agreements for the utilization of state agencies and, where deemed feasible by the state data processing authority, of local government agencies, and their facilities, services, and personnel in developing and coordinating plans and systems, or other purposes of this chapter; to contract with any and all other governmental agencies for any purpose of this chapter including but not limited to mutual furnishing or utilization of facilities and services or for interagency, intergovernmental, or interstate cooperation in the field of data processing and communications;

(4) To develop and publish standards to implement the purposes of this chapter, including but not limited to standards for the coordinated acquisition and maintenance of data processing equipment and services, requirements for the furnishing of information and data concerning existing data processing systems by state offices, departments, and agencies and local government agencies, where deemed feasible by the state data processing authority, and standards and regulations to establish and maintain the confidential nature of information insofar as such confidentiality may be necessary for individual privacy and the protection of private rights in connection with data processing and communications;

(5) To purchase, lease, rent, or otherwise acquire and maintain automatic data processing equipment, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire and maintain automatic data processing equipment: PROVIDED, That in exercising such authority due consideration and effect shall be given to the overall purpose of this chapter and the statutory obligations, total management, and needs of each agency: PROVIDED, FURTHER, That, agencies and institutions of state government are expressly prohibited from acquiring data processing equipment without such delegation of authority. The acquisition of automatic data processing equipment is exempt, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through ((43.19.210)) 43.19.200;

(6) To require the consolidation of computing resources into central data processing service center or to establish central data processing service centers;

(7) To develop and maintain all state-wide or interagency data processing policies, standards, and procedures;

(8) To delegate to a single agency the responsibility for maintaining interagency applications systems;

(9) To provide to state agencies such automatic data processing technical training as is necessary or convenient to implement standardization of automatic data processing techniques;

(10) To carry out the tasks assigned in RCW 43.105.043 and to report periodically and as requested by the legislature to the legislature on its progress;

(11) To enact such rules and regulations as may be necessary to carry out the purposes of this chapter.

EXPLANATORY NOTE: RCW 43.19.210 was repealed by 1967 ex.s. c 104 § 7. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 116. Section 1, chapter 129, Laws of 1974 ex. sess. and RCW 43.105.080 are each amended to read as follows:

For the purposes of distributing and apportioning the full cost of data processing and data communication to its users and for the purpose of extending the useful life of state owned data processing and data communication equipment, and for such other purposes as may be necessary or convenient to carry out the purposes of this chapter, there is hereby created within the state treasury a revolving fund to be known as the "data processing revolving fund" which shall be used for the acquisition of data processing and data communication services, supplies and equipment handled or rented by the Washington state data processing authority or under its authority by any Washington state data processing service center designee, and the payment of salaries, wages and other costs incidental to the acquisition, operation and administration of acquired data processing services, supplies and equipment. The data processing revolving fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment and services rendered to governmental agencies. The data processing moneys presently held in, or hereafter accruing to, the present central stores revolving fund created by RCW 43.19.1923 are hereby transferred to the data processing revolving fund created by this section. As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and (~~43.19.210~~) 43.19.200.

EXPLANATORY NOTE: RCW 43.19.210 was repealed by 1967 ex.s. c 104 § 7. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 117. Section 4, chapter 156, Laws of 1965 as amended by section 115, chapter 158, Laws of 1979 and RCW 46.01.040 are each amended to read as follows:

The department of licensing is vested with all powers, functions, and duties with respect to and including the following:

- (1) The motor vehicle fuel excise tax as provided in chapter 82.36 RCW;
- (2) The (~~use~~) special fuel tax as provided in chapter (~~82.40~~) 82.38 RCW;
- (3) The motor vehicle excise tax as provided in chapter 82.44 RCW;
- (4) The house trailer excise tax as provided in chapter 82.50 RCW;
- (5) All general powers and duties relating to motor vehicles as provided in chapter 46.08 RCW;
- (6) Certificates of ownership and registration as provided in chapters 46.12 and 46.16 RCW;
- (7) The registration and licensing of motor vehicles as provided in chapters 46.12 and 46.16 RCW;
- (8) Dealers' licenses as provided in chapter 46.70 RCW;
- (9) The licensing of motor vehicle transporters as provided in chapter 46.76 RCW;

(10) The licensing of motor vehicle wreckers as provided in chapter 46.80 RCW;

(11) The administration of the laws relating to ~~((the highway user tax structure))~~ reciprocal or proportional registration of motor vehicles as provided in chapter ~~((46.84))~~ 46.85 RCW;

(12) The licensing of passenger vehicles for hire as provided in chapter 46.72 RCW;

(13) Operators' licenses as provided in chapter 46.20 RCW;

(14) Commercial driver training schools as provided in chapter 46.82 RCW;

(15) Financial responsibility as provided in chapter 46.29 RCW;

(16) Accident reporting as provided in chapter 46.52 RCW;

(17) Disposition of revenues as provided in chapter 46.68 RCW; and

(18) The administration of all other laws relating to motor vehicles vested in the director of licenses on June 30, 1965.

EXPLANATORY NOTE: (1) Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33. The reference to this chapter has been amended to refer to a later enactment, chapter 82.38 RCW, which contains provisions relating to taxation of special fuels.

(2) Chapter 46.84 RCW was repealed by 1963 c 106 § 32. The reference to this chapter has been amended to refer to a later enactment, chapter 46.85 RCW, which contains provisions relating to reciprocal or proportional registration.

Sec. 118. Section 11, chapter 200, Laws of 1973 1st ex. sess. as amended by section 144, chapter 158, Laws of 1979 and RCW 46.16.605 are each amended to read as follows:

All revenue derived from the fees provided for in RCW 46.16.585 shall be forwarded to the state treasurer accompanied by a proper identifying detailed report and by him deposited to the credit of the state game fund.

Administrative costs incurred by the department of licensing as a direct result of RCW 46.16.560 through 46.16.605(;) and 77.12.170 (~~and 77.12.175~~) shall be appropriated by the legislature from the state game fund from those funds deposited therein resulting from the sale of personalized license plates. If the actual costs incurred by the department of licensing are less than that which has been appropriated by the legislature the remainder shall revert to the state game fund.

EXPLANATORY NOTE: RCW 77.12.175 was decodified by 1980 c 78 § 32. The reference to this section has been deleted.

Sec. 119. Section 2, chapter 112, Laws of 1969 and RCW 46.37.540 are each amended to read as follows:

~~((Except as provided by RCW 46.37.580;))~~ It shall be unlawful for any person to disconnect, turn back, or reset the odometer of any motor vehicle with the intent to reduce the number of miles indicated on the odometer gauge.

EXPLANATORY NOTE: RCW 46.37.580 was repealed by 1975 c 24 § 2. The reference to this section has been deleted.



Sec. 120. Section 62, chapter 145, Laws of 1967 ex. sess. and RCW 46.44.038 are each amended to read as follows:

Subject to such terms and conditions as it shall consider proper and on such highways as it shall deem suitable, and when it finds it to be in the public interest, the state (~~(highway commission)~~) department of transportation may by special permit authorize the operation of vehicles and combinations of vehicles other than school buses which exceed the restrictions set forth in RCW 46.44.010, 46.44.020, 46.44.030, and 46.44.036. The fee for such permits shall be those set forth in RCW (~~(46.44.094, as amended)~~) 46.44.0941.

EXPLANATORY NOTE: (1) Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "state highway commission" means department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

(2) RCW 46.44.094 expired July 1, 1967, and RCW 46.44.0941, which contains the substance of the expired section, took effect July 1, 1967. The reference to this section has been changed accordingly.

Sec. 121. Section 1, chapter 63, Laws of 1975 1st ex. sess. and RCW 46.44.150 are each amended to read as follows:

The state, county, or city authority having responsibility for the reconstruction or improvement of any public highway may, subject to prescribed conditions and limitations, authorize vehicles employed in such highway reconstruction or improvement to exceed the gross weight limitations contained in RCW (~~(46.44.040,)~~) 46.44.041 and 46.44.042 (~~(and 46.44.044)~~) without a special permit or additional fees as prescribed by chapter 46.44 RCW, but only while operating within the boundaries of project limits as defined in the public works contract or plans.

EXPLANATORY NOTE: RCW 46.44.040 and 46.44.044 were repealed by 1975-'76 2nd ex.s. c 64 § 24. The references to these sections have been amended to refer to a later enactment, RCW 46.44.041, which contains the substance of the repealed sections.

Sec. 122. Section 46.68.030, chapter 12, Laws of 1961 as last amended by section 9, chapter 342, Laws of 1981 and RCW 46.68.030 are each amended to read as follows:

All fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, except that the proceeds from the vehicle license fee and renewal license fee shall be deposited by the state treasurer as hereinafter provided. After July 1, 1981, that portion of each vehicle license fee in excess of \$7.40 and that portion of each renewal license fee in excess of \$3.40 shall be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal license fees, and all other funds in the state patrol highway account shall be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations therefor, for any fiscal biennium after June 30, 1981, and twenty-

seven and three-tenths percent of the proceeds from \$7.40 of each vehicle license fee and \$3.40 of each renewal license fee shall be deposited each biennium in the Puget Sound ferry operations account to partially finance, together with other funds in the account, any budgeted state ferry system maintenance and operating deficit for that biennium. The deficit shall be calculated by subtracting from total costs the sum of all unappropriated funds available to the state ferry system, including revenues from tolls that are adjusted annually by the transportation commission (~~(to correspond with changes in the consumer price index for the city of Seattle)~~) pursuant to RCW (~~47.60.325~~) 47.60.326. Any remaining amounts of vehicle license fees and renewal license fees that are not deposited in the Puget Sound ferry operations account shall be deposited in the motor vehicle fund.

EXPLANATORY NOTE: RCW 47.60.325 was repealed by 1981 c 344 § 10. The reference to this section has been amended to refer to a later enactment, RCW 47.60.326, which contains the substance of the repealed section. The language in this section has been adjusted to reflect the new procedure under RCW 47.60.326.

Sec. 123. Section 46.70.090, chapter 12, Laws of 1961 as last amended by section 4, chapter 152, Laws of 1981 and RCW 46.70.090 are each amended to read as follows:

(1) The department shall issue a vehicle dealer license plate which shall be attached to the rear of the vehicle only and which is capable of distinguishing the classification of the dealer, to vehicle dealers properly licensed pursuant to this chapter and shall, upon application, issue manufacturer's license plates to manufacturers properly licensed pursuant to this chapter.

(2) Motor vehicle dealer license plates may be used:

(a) To demonstrate motor vehicles held for sale when operated by an individual holding a valid operator's license, if a dated demonstration permit, valid for no more than seventy-two hours, is carried in the vehicle at all times it is operated by any such individual.

(b) On motor vehicles owned, held for sale, and which are in fact available for sale by the firm when operated by an officer of the corporation, partnership, or proprietorship or by their spouses, or by a bona fide full-time employee of the firm, if a card so identifying any such individual is carried in the vehicle at all times it is operated by such individual. Any such vehicle so operated may be used to transport the dealer's own tools, parts, and equipment of a total weight not to exceed five hundred pounds.

(c) On motor vehicles being tested for repair.

(d) On motor vehicles being moved to or from a motor vehicle dealer's place of business for sale.

(e) On motor vehicles being moved to or from motor vehicle service and repair facilities before sale.

(f) On motor vehicles being moved to or from motor vehicle exhibitions within the state of Washington, if any such exhibition does not exceed a period of twenty days.

(3) Mobile home and travel trailer dealer license plates may be used:

(a) On units hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(b) On mobile homes hauled to a customer's location for set-up after sale.

(c) On travel trailers held for sale to demonstrate the towing capability of the vehicle if a dated demonstration permit, valid for not more than seventy-two hours, is carried with the vehicle at all times.

(d) On mobile homes being hauled from a customer's location if the requirements of RCW (~~46.16.105 and 46.16.106~~) 46.44.170 and 46.44.175 are met.

(e) On any motor vehicle owned by the dealer which is used only to move vehicles legally bearing mobile home and travel trailer dealer license plates of the dealer so owning any such motor vehicle.

(f) On vehicles being moved to or from vehicle exhibitions within the state of Washington, if any such exhibition does not exceed a period of twenty days.

(4) Miscellaneous vehicle dealer license plates may be used:

(a) To demonstrate any miscellaneous vehicle: PROVIDED, That:

(i) No such vehicle may be demonstrated on a public highway unless the customer has an appropriate endorsement on his driver's license, if such endorsement is required to operate such vehicle; and

(ii) A dated demonstration permit, valid for no more than seventy-two hours, is carried with the vehicle at all times it is operated by any such individual.

(b) On vehicles owned, held for sale, and which are in fact available for sale, by the firm when operated by an officer of the corporation, partnership, or proprietorship or by a bona fide full-time employee of the firm, if a card so identifying such individual is carried in the vehicle at all times it is operated by him.

(c) On vehicles being tested for repair.

(d) On vehicles being transported to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(e) On vehicles on which any other item sold or to be sold by the dealer is transported from the place of business of the manufacturer to the place of business of the dealer or to and from places of business of the dealer if such vehicle and such item are purchased or sold as one package.

(5) Manufacturers properly licensed pursuant to this chapter may apply for and obtain manufacturer license plates and may be used:

(a) On vehicles being moved to or from the place of business of a manufacturer to a vehicle dealer within this state who is properly licensed pursuant to this chapter.

(b) To test vehicles for repair.

(6) Vehicle dealer license plates and manufacturer license plates shall not be used for any purpose other than set forth in this section and specifically shall not be:

(a) Used on any vehicle not within the class for which the vehicle dealer or manufacturer license plates are issued unless specifically provided for in this section.

(b) Loaned to any person for any reason not specifically provided for in this section.

(c) Used on any vehicles for the transportation of any person, produce, freight, or commodities unless specifically provided for in this section, except there shall be permitted the use of such vehicle dealer license plates on a vehicle transporting commodities in the course of a demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration.

(d) Used on any vehicle sold to a resident of another state to transport such vehicle to that other state in lieu of a trip permit or in lieu of vehicle license plates obtained from that other state.

(7) In addition to or in lieu of any sanction imposed by the director pursuant to RCW 46.70.101 for unauthorized use of vehicle dealer license plates or manufacturer license plates, the director may order that any or all vehicle dealer license plates or manufacturer license plates issued pursuant to this chapter be confiscated for such period as he deems appropriate.

EXPLANATORY NOTE: RCW 46.16.105 and 46.16.106 were repealed by 1977 ex.s. c 22 § 9. The references to these sections have been amended to refer to later enactments, RCW 46.44.170 and 46.44.175, which contain the substance of the repealed sections.

Sec. 124. Section 52, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.335 are each amended to read as follows:

(1) The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs incurred in removing, storing, and disposing of any abandoned vehicle.

(2) A registered owner transferring a vehicle shall be relieved from personal liability under this section (~~and under RCW 46.90.350, 46.90.355, and 46.90.370~~) if within five days of the transfer he transmits to the department a seller's report of sale on a form prescribed by the director.

EXPLANATORY NOTE: RCW 46.90.350, 46.90.355, and 46.90.370 were repealed by 1980 c 65 § 9. The reference to these sections has been deleted.

Sec. 125. Section 1, chapter 78, Laws of 1977 ex. sess. and RCW 47.12.063 are each amended 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)~~) department 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)~~) 47.12.283.

(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)~~) department 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)~~) secretary of transportation 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.

EXPLANATORY NOTE: (1) Powers, duties, and functions of highway department, director of highways, and highway commission transferred to department of transportation; see RCW 47.01.031. Terms "department of highways" and "highway commission" mean department of transportation; term "director of highways" means secretary of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

(2) RCW 47.12.280 was repealed by 1979 ex.s. c 189 § 7. The reference to this section has been amended to refer to a later enactment, RCW 47.12.283, which contains the substance of the repealed section.

NEW SECTION. Sec. 126. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.20.660; and

(2) Section 3, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.20.664.

EXPLANATORY NOTE: RCW 47.20.660 and 47.20.664 are obsolete sections of law recommended for repeal. The substantive provisions to which they refer were repealed by 1977 ex.s. c 235 § 19.

Sec. 127. Section 47.52.080, chapter 13, Laws of 1961 and RCW 47-52.080 are each amended to read as follows:

No existing public highway, road, or street shall be constructed as a limited access facility except upon the waiver, purchase, or condemnation of the abutting owner's right of access thereto as herein provided. In cases involving existing highways, if the abutting property is used for business at the time the notice is given as provided in RCW (~~(47.52.072)~~) 47.52.133, the owner of such property shall be entitled to compensation for the loss of adequate ingress to or egress from such property as business property in its existing condition at the time of the notice provided in RCW (~~(47.52.072)~~) 47.52.133 as for the taking or damaging of property for public use.

EXPLANATORY NOTE: RCW 47.52.072 was repealed by 1965 ex.s. c 75 § 7. The reference to this section has been amended to refer to a later enactment, RCW 47.52.133, which contains the substance of the repealed section.

Sec. 128. Section 47.56.220, chapter 13, Laws of 1961 as last amended by section 19, chapter 212, Laws of 1979 ex. sess. and RCW 47.56.220 are each amended to read as follows:

Except as otherwise provided in RCW 47.56.291, 47.56.714, (~~(47.56-710;)~~) and 47.56.756, as long as any of the bonds issued hereunder for the construction of any toll bridge are outstanding and unpaid, there shall not be erected, constructed, or maintained any other bridge or other crossing over, under, through, or across the waters over which such toll bridge is located or constructed, connecting or joining directly or indirectly the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such toll bridge within a distance of ten miles from either side of such toll bridge excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such toll bridge and prior to the time of the authorization of such bonds, and no ferry or other similar means of crossing the said waters within the said distance and connecting or plying directly or indirectly between the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such bridge shall be maintained or operated or permitted or allowed: PROVIDED, That ferries and other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such bridge and prior to the time of the authorization of such bonds, may continue and be permitted to be operated and maintained under such existing rights and franchises, or any lawful renewal or extension thereof. The provisions of this section shall be binding upon the state department of transportation, the state of Washington, and all of its departments, agencies, or instrumentalities as well as any and all private, political, municipal, and public corporations and subdivisions, including cities, counties, and other political subdivisions, and the prohibitions of this section

shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

EXPLANATORY NOTE: RCW 47.56.710 was repealed by 1979 c 131 § 9. The reference to this section has been deleted.

Sec. 129. Section 47.56.270, chapter 13, Laws of 1961 and RCW 47.56.270 are each amended to read as follows:

The Lake Washington bridge and the Tacoma Narrows bridge in chapter ~~((47.16))~~ 47.17 RCW made a part of the primary state highways of the state of Washington, shall, upon completion, be operated, maintained, kept up, and repaired by the ~~((highway commission and the Washington toll bridge authority))~~ department in the manner provided in this chapter, and the cost of such operation, maintenance, upkeep, and repair shall be paid from funds appropriated for the use of the ~~((highway commission))~~ department for the construction and maintenance of the primary state highways of the state of Washington. ~~((The highway commission is authorized and empowered to enter into agreements with the Washington toll bridge authority, agreeing to construct upon a particular route and between established termini, and fixing a date for the completion thereof, portions of primary state highways or secondary state highways, as the case may be, to and connecting with the Lake Washington bridge and/or the Tacoma Narrows bridge.))~~

EXPLANATORY NOTE: (1) Chapter 47.16 RCW was repealed by 1970 ex.s. c 51 § 178. The reference to this chapter has been amended to refer to a later enactment, chapter 47.17 RCW, which contains the substance of the repealed chapter.

(2) Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "highway commission" and "Washington toll bridge authority" mean department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

Sec. 130. Section 1, chapter 50, Laws of 1965 and RCW 47.56.271 are each amended to read as follows:

The Tacoma Narrows bridge hereinbefore by the provisions of RCW ~~((47.16.140))~~ 47.17.065 and 47.56.270 made a part of the primary state highways of the state shall be operated and maintained by the ~~((state highway commission))~~ department as a toll-free facility at such time as the present bonded indebtedness relating thereto is wholly retired and tolls equaling the present indebtedness of the toll bridge authority to the county of Pierce have been collected. It is the express intent of the legislature that the provisions of RCW 47.56.245 (section 47.56.245, chapter 13, Laws of 1961) shall not be applicable to the Tacoma Narrows bridge.

EXPLANATORY NOTE: (1) RCW 47.16.140 was repealed by 1970 ex.s. c 51 § 178. The reference to this section has been amended to refer to a later enactment, RCW 47.17.065, which contains the substance of the repealed section.

(2) Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "state highway commission" and "toll bridge authority" mean department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

Sec. 131. Section 6, chapter 197, Laws of 1963 and RCW 47.56.705 are each amended to read as follows:

The toll facility, when completed, shall become a part of the state highway system and the (~~Washington state highway commission~~) department is hereby authorized to operate and to assume the full control of said toll bridge with full power to collect tolls from the users of such bridge as established by the (~~toll bridge authority~~) department for the purpose of providing revenue which, with the pledge from the motor vehicle fund provided for in RCW 47.56.702, shall be sufficient to pay all costs and incidental expenses of location, construction, maintenance, repair, and operation of said bridge and approaches and highway approach from the vicinity of Vernita to said bridge, for the repayment of the principal and interest on its revenue bonds, and reimbursement to the motor vehicle fund of all sums expended therefrom under RCW (~~47.20.410;~~) 47.20.415(;) and 47.56.700 through 47.56.706.

EXPLANATORY NOTE: (1) RCW 47.20.410 was repealed by 1970 ex.s. c 51 § 178. The reference to this section has been deleted.

(2) Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "Washington state highway commission" and "toll bridge authority" mean department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

Sec. 132. Section 7, chapter 197, Laws of 1963 and RCW 47.56.706 are each amended to read as follows:

Except as specifically provided in RCW (~~47.20.410;~~) 47.20.415 and 47.56.700 through 47.56.706, the provisions of RCW 47.56.010 through 47.56.257 shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW (~~47.20.410;~~) 47.20.415 and 47.56.700 through 47.56.706. Nothing in RCW (~~47.20.410;~~) 47.20.415 and 47.56.700 through 47.56.706 is intended to amend, alter, modify, or repeal any of the provisions of any statute relating to the powers and duties of the (~~Washington toll bridge authority~~) department except as such powers and duties are amplified or modified by the special provisions of RCW (~~47.20.410;~~) 47.20.415 and 47.56.700 through 47.56.706 for the uses and purposes herein set forth, and the provisions of RCW (~~47.20.410;~~) 47.20.415 and 47.56.700 through 47.56.706 shall be additional to such existing statutes and concurrent therewith.

EXPLANATORY NOTE: (1) RCW 47.20.410 was repealed by 1970 ex.s. c 51 § 178. The reference to this section has been deleted.

(2) Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.



NEW SECTION. Sec. 133. Section 23, chapter 3, Laws of 1963 ex. sess., section 17, chapter 195, Laws of 1971 ex. sess. and RCW 47.60.045 are each repealed.

EXPLANATORY NOTE: RCW 47.60.045 is an obsolete section of law recommended for repeal. The substantive provisions to which it refers were repealed by 1975 1st ex.s. c 268 § 9.

Sec. 134. Section 47.60.115, chapter 13, Laws of 1961 and RCW 47.60.115 are each amended to read as follows:

The bonds herein authorized shall, in the discretion of the (~~Washington toll bridge authority~~) department, be exchanged at the best possible price for the bonds being refunded, or any such bonds not exchanged shall be sold in the manner provided in RCW 47.60.090. The bonds herein authorized shall be issued in accordance with, and shall be subject to, the provisions of RCW 47.60.050, 47.60.060, (~~47.60.070~~) 47.60.080, 47.60.100, 47.60.110, and 47.60.120.

EXPLANATORY NOTE: (1) Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

(2) RCW 47.60.070 was repealed by 1979 ex.s. c 67 § 18. The reference to this section has been deleted.

Sec. 135. Section 47.60.150, chapter 13, Laws of 1961 as amended by section 5, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.150 are each amended to read as follows:

Subject to the provisions of RCW (~~47.60.325~~) 47.60.326, the schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the (~~authority~~) commission so that the tolls and revenues collected together with any moneys in the Puget Sound ferry operations account appropriated for maintenance and operation, and all moneys in the Puget Sound reserve account available for debt service will yield annual revenue and income sufficient, after allowance for all operating, maintenance, and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: PROVIDED, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging, or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision.

All income and revenues as collected shall be paid to the state treasurer for the account of the (~~authority~~) department as a separate trust fund and to be segregated and disbursed upon order of the (~~authority~~) department: PROVIDED, That the fund so segregated and set apart for the payment of the revenue bonds may be remitted to and held by a designated trustee in

such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds.

EXPLANATORY NOTE: (1) RCW 47.60.325 was repealed by 1981 c 344 § 10. The reference to this section has been amended to refer to a later enactment, RCW 47.60.326, which contains the substance of the repealed section.

(2) Powers, duties and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "authority" means department of transportation; see RCW 47.04.015. Amendments to this effect are made herein, except in the first sentence where "authority" has been changed to "commission" in light of RCW 47.60.326.

Sec. 136. Section 47.60.290, chapter 13, Laws of 1961 as amended by section 6, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.290 are each amended to read as follows:

Subject to the provisions of RCW (~~(47.60.325)~~) 47.60.326, the (~~(Washington toll bridge authority)~~) department is hereby authorized and directed to review tariffs and charges as applicable to the operation of the Washington state ferries for the purpose of establishing a more fair and equitable tariff to be charged passengers, vehicles, and commodities on the routes of the Washington state ferries.

EXPLANATORY NOTE: (1) RCW 47.60.325 was repealed by 1981 c 344 § 10. The reference to this section has been amended to refer to a later enactment, RCW 47.60.326, which contains the substance of the repealed section.

(2) Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "authority" means department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

Sec. 137. Section 47.60.310, chapter 13, Laws of 1961 as amended by section 1, chapter 29, Laws of 1977 and RCW 47.60.310 are each amended to read as follows:

The (~~(authority)~~) department 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)~~) department shall give prior notice of the review to the (~~(board of county commissioners)~~) legislative authority of each county wherein a terminal of the Washington state ferries is located and the (~~(board of county commissioners)~~) legislative authority of any other county adjacent to Puget Sound or the Strait of Juan de Fuca which by resolution has notified the (~~(authority)~~) department of its intent to participate in the reviews. Each such (~~(board of)~~) county (~~(commissioners)~~) legislative authority is hereby directed to appoint a committee to consist of no more than five members to serve as an advisory committee to the (~~(authority)~~) department or its designated representative in such review. The committees to be appointed by the (~~(boards of)~~) county (~~(commissioners)~~) legislative authorities shall serve without fee or compensation. It is not the intent of RCW 47.60.290 through (~~(47.60.320)~~) 47.60.310 that any powers or duties now prescribed and delegated to the (~~(authority)~~) department shall be assumed by any other board or committee.

EXPLANATORY NOTE: (1) Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "authority" when referring to toll bridge authority means department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

(2) References to "boards of county commissioners" have been changed to "county legislative authority," a more general term encompassing both county councils and boards of commissioners.

(3) RCW 47.60.320 was repealed by 1972 ex.s. c 24 § 9. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 138. Section 21, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.380 are each amended to read as follows:

Notwithstanding the provisions of RCW 47.60.360 the treasurer shall never transfer any moneys from the Puget Sound reserve account for use by the ~~((state highway commission))~~ department for state highway purposes so long as there is due and unpaid any obligations for payment of principal, interest, sinking funds, or reserves as required by any pledge of the Puget Sound reserve account. Whenever the ~~((authority))~~ department shall have pledged any moneys in said account for the purposes authorized in RCW 47.60.370, the state agrees to continue to deposit in the Puget Sound reserve account the motor vehicle fuel taxes and ~~((use))~~ special fuel taxes as provided in RCW 82.36.020 and ~~((82.40.290))~~ 82.38.290, and further agrees that so long as there exists any outstanding obligations pursuant to such pledge, to continue to impose such taxes.

EXPLANATORY NOTE: (1) Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "state highway commission" and "authority" mean department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

(2) RCW 82.40.290, a provision of the use fuel tax, was repealed by 1971 ex.s. c 175 § 33. The reference to this section has been amended to refer to a later enactment, RCW 82.38.290, which contains the substance of the repealed section.

Sec. 139. Section 5, chapter 9, Laws of 1961 ex. sess. as last amended by section 7, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.440 are each amended to read as follows:

The Washington state ferry system shall be efficiently managed, operated, and maintained as a revenue-producing undertaking. Subject to the provisions of RCW ~~((47.60.325))~~ 47.60.326 the ~~((authority))~~ commission shall maintain and revise from time to time as necessary a schedule of tolls and charges on said ferry system and Hood Canal bridge which together with any moneys in the Puget Sound ferry operations account appropriated for maintenance and operation and all moneys in the Puget Sound reserve account available for debt service will produce net revenue available for debt service, in each fiscal year, in an amount at least equal to minimum annual debt service requirements as hereinafter provided. Minimum annual debt service requirements as used in this section shall include required payments of principal and interest, sinking fund requirements, and payments into reserves on all outstanding revenue bonds authorized by RCW 47.60.400 through 47.60.470 and all other outstanding parity bonds hereafter issued in connection with the said ferry system and Hood Canal bridge and

any other facility hereafter constructed by the ((~~authority~~)) department to facilitate the crossing of Puget Sound, but shall not include payments into the ferry improvement fund.

The provisions of law relating to the revision of tolls and charges to meet minimum annual debt service requirements from net revenues as required by this section shall be binding upon the ((~~authority~~)) commission but shall not be deemed to constitute a contract to that effect for the benefit of the holders of such bonds.

EXPLANATORY NOTE: (1) RCW 47.60.325 was repealed by 1981 c 344 § 10. The reference to this section has been amended to refer to a later enactment, RCW 47.60.326, which contains the substance of the repealed section.

(2) Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "authority" means department of transportation; see RCW 47.04.015. Amendments to this effect are made herein, except in the second and last sentences where "authority" has been changed to "commission" in light of RCW 47.60.326.

Sec. 140. Section 1, chapter 166, Laws of 1977 ex. sess. and RCW 47.60.650 are each amended to read as follows:

(1) The ((~~Washington state toll bridge authority~~)) department shall, no later than January 1, 1980, negotiate a contract with any shipbuilding firm, which has prequalified under RCW 47.60.660, for the construction of one or more ferry vessels for the Washington state ferries. Whenever the ((~~toll bridge authority~~)) department begins such negotiations, it shall proceed in the manner provided by this section.

(2) Whenever the ((~~Washington state toll bridge authority~~)) department 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~~)) department deems pertinent.

(3) Whenever the ((~~toll bridge authority~~)) department 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~~)) department shall mail said notice to any firm known to the ((~~authority~~)) department which has expressed an interest in constructing ferries for the Washington state ferry system within the previous ten 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 RCW 47.60.660, including a statement explaining that prequalification is a prerequisite to consideration by the ((~~toll bridge authority~~)) department 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))~~ department 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))~~ department;

(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))~~ department 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))~~ department 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))~~ department prior to the ~~((authority's))~~ department'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))~~ department 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))~~ department for this purpose.

(6) Upon concluding its evaluation, the ~~((toll-bridge authority))~~ department 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 RCW 47.60.670~~), 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))~~ department shall immediately notify those firms, which were not selected as the firm presenting the most advantageous proposal, of the ~~((authority's))~~ department's decision. The ~~((authority's))~~ department'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))~~ department'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))~~ department. The court shall hear any such appeal on the administrative record which was before the ~~((authority))~~ department. The court may affirm the decision of the ~~((authority))~~ department, or it may reverse the decision if it determines the action of the ~~((authority))~~ department 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))~~ department 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))~~ department, the ~~((authority))~~ department may then negotiate with the firm ranked next highest in order of preference. Should it be necessary, the ~~((authority))~~ department 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))~~ department 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))~~ department 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 RCW 39.08.090 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.

~~((+0) 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.))~~

EXPLANATORY NOTE: (1) Powers, duties, and functions of toll bridge authority and highway department transferred to department of transportation; see RCW 47.01.031. Terms "Washington toll bridge authority" and "department of highways" mean department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

(2) RCW 47.60.670 was repealed by 1980 c 2 § 4. The reference to this section has been deleted.

Sec. 141. Section 14, chapter 165, Laws of 1947 and RCW 47.68.140 are each amended to read as follows:

The ~~((commission))~~ department may by contract, lease, or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed twenty-five years the privilege of operating, as agent of the state or otherwise, any airport owned or controlled by the state: PROVIDED, That no such person shall be granted any authority to operate the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the ~~((commission))~~ department might not have undertaken under RCW ~~((+4.04.130))~~ 47.68.130.

EXPLANATORY NOTE: (1) Powers, duties, and functions of aeronautics commission transferred to department of transportation; see RCW 47.01.031. Term "commission" means department of transportation; see RCW 47.68.015. Amendments to this effect are made herein.

(2) RCW 14.04.130 was recodified as RCW 47.68.130 by 1977 ex.s. c 151 § 79. The reference in this section has been amended to reflect this change.

Sec. 142. Section 7, chapter 252, Laws of 1945 as amended by section 16, chapter 165, Laws of 1947 and RCW 47.68.160 are each amended to read as follows:

The ~~((commission))~~ department is authorized to accept, receive, receipt for, disburse, and expend federal moneys, and other moneys public or private, made available to accomplish, in whole or in part, any of the purposes of this section. All federal moneys accepted under this section shall be accepted and expended by the ~~((commission))~~ department upon such terms and conditions as are prescribed by the United States. In accepting federal moneys under this section, the ~~((commission))~~ department shall have the same authority to enter into contracts on behalf of the state as is granted to the ~~((commission))~~ department under RCW ~~((+4.04.090))~~ 47.68.090 with respect to federal moneys accepted on behalf of municipalities. All moneys received by the ~~((commission))~~ department pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such

moneys are hereby appropriated for the purpose of which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available.

EXPLANATORY NOTE: (1) Powers, duties, and functions of aeronautics commission transferred to department of transportation; see RCW 47.01.031. Term "commission" means department of transportation; see RCW 47.68.015. Amendments to this effect are made herein.

(2) RCW 14.04.090 was recodified as RCW 47.68.090 pursuant to 1977 ex.s. c 151 § 79. The reference in this section has been amended to reflect this change.

Sec. 143. Section 2, chapter 207, Laws of 1967 and RCW 47.68.233 are each amended to read as follows:

The ~~((commission))~~ department shall require that every pilot who is a resident of this state and every nonresident pilot who regularly operates any aircraft in this state shall be registered with the ~~((state aeronautics commission))~~ department for each calendar year by January 31st thereof. The ~~((commission))~~ department shall charge an annual fee not to exceed five dollars for each such registration. Registration under this section shall be required thirty days after June 8, 1967. All registration certificates issued pursuant to this section shall expire on December 31st of each year.

The registration fee imposed by this section shall be used by the ~~((commission))~~ department for the purpose of (a) search and rescue of lost and downed aircraft and airmen under the direction and supervision of the director ~~((of aeronautics;))~~ and (b) safety and education.

Registration shall be effected by filing with the ~~((commission))~~ department a certified written statement, containing the information reasonably required by the ~~((commission))~~ department. The ~~((commission))~~ department shall issue certificates of registration and in connection therewith shall prescribe requirements for the possession and exhibition of such certificates.

The provisions of this section shall not apply to:

(1) The pilot who operates an aircraft exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia;

(2) A pilot registered under the laws of a foreign country;

(3) A pilot engaged exclusively in commercial flying constituting an act of interstate or foreign commerce;

(4) Any person piloting an aircraft equipped with fully functioning dual controls when a licensed instructor is in full charge of one set of said controls and such flight is solely for instruction or for the demonstration of said aircraft to a bona fide prospective purchaser.

Failure to register as provided in this section shall be deemed to be a violation of RCW ~~((14.04.230))~~ 47.68.230 and shall subject the offender to the penalties incident thereto.

EXPLANATORY NOTE: (1) Powers, duties, and functions of aeronautics commission and director of aeronautics transferred to department of transportation; see RCW 47.01.031. Terms "state aeronautics commission" and "commission" mean department of transportation;



terms "director of aeronautics" and "director" in chapter 47.68 RCW mean secretary of transportation; see RCW 47.68.015. Amendments to this effect are made herein.

(2) RCW 14.04.230 was recodified as RCW 47.68.230 pursuant to 1977 ex.s. c 151 § 79. The reference in this section has been amended to reflect this change.

Sec. 144. Section 3, chapter 207, Laws of 1967 and RCW 47.68.236 are each amended to read as follows:

There is hereby created in the general fund of the state of Washington an account to be known as the aircraft search and rescue, safety, and education fund. All moneys received by the ((commission)) department under RCW ((~~14.04.233~~)) 47.68.233 shall be deposited in such account.

EXPLANATORY NOTE: (1) Powers, duties, and functions of the aeronautics commission transferred to department of transportation; see RCW 47.01.031. Term "commission" means department of transportation; see RCW 47.68.015. Amendments to this effect are made herein.

(2) RCW 14.04.233 was recodified as RCW 47.68.233 pursuant to 1977 ex.s. c 151 § 79. The reference in this section have been amended to reflect this change.

Sec. 145. Section 24, chapter 165, Laws of 1947 and RCW 47.68.240 are each amended to read as follows:

Any person violating any of the provisions of this chapter, or any of the rules, regulations, or orders issued pursuant thereto, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both such fine and imprisonment: PROVIDED, That any person violating any of the provisions of RCW ((~~14.04.220 or 14.04.230~~)) 47.68.220 or 47.68.230 shall be guilty of a gross misdemeanor which shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year or by both in any proceeding brought in superior court and by a fine of not more than five hundred dollars or by imprisonment for not more than six months or by both in any proceedings brought in justice court. In addition to, or in lieu of, the penalties provided in this section, or as a condition to the suspension of a sentence which may be imposed pursuant thereto, the court in its discretion may prohibit the violator from operating an aircraft within the state for such period as it may determine but not to exceed one year. Violation of the duly imposed prohibition of the court may be treated as a separate offense under this section or as a contempt of court.

EXPLANATORY NOTE: RCW 14.04.220 and 14.04.230 were recodified as RCW 47.68.220 and 47.68.230 pursuant to 1977 ex.s. c 151 § 79. The references in this section have been amended to reflect this change.

Sec. 146. Section 33, chapter 165, Laws of 1947 and RCW 47.68.330 are each amended to read as follows:

The ((commission)) department is authorized to report to the appropriate federal agencies and agencies of other states all proceedings instituted charging violation of RCW ((~~14.04.220 and 14.04.230~~)) 47.68.220 and 47.68.230 and all penalties, of which it has knowledge, imposed upon airmen or the owners or operators of aircraft for violations of the law of this state relating to aeronautics or for violations of the rules, regulations, or orders of

the ~~((commission))~~ department. The ~~((commission))~~ department is authorized to receive reports of penalties and other data from agencies of the federal government and other states and, when necessary, to enter into agreements with federal agencies and the agencies of other states governing the delivery, receipt, exchange, and use of reports and data. The ~~((commission))~~ department may make the reports and data of the federal agencies, the agencies of other states, and the courts of this state available, with or without request therefor, to any and all courts of this state.

EXPLANATORY NOTE: (1) Powers, duties, and functions of aeronautics commission transferred to department of transportation; see RCW 47.01.031. Term "commission" means department of transportation; see RCW 47.68.015. Amendments to this effect are made herein.

(2) RCW 14.04.220 and 14.04.230 were recodified as RCW 47.68.220 and 47.68.230 pursuant to 1977 ex.s. c 151 § 79. The references in this section have been amended to reflect these changes.

Sec. 147. Section 4, chapter 263, Laws of 1961 and RCW 47.68.360 are each amended to read as follows:

RCW~~((14.04.340 and 14.04.350))~~ 47.68.340 and 47.68.350 shall not apply to structures required to be marked by federal regulations.

EXPLANATORY NOTE: RCW 14.04.340 and 14.04.350 were recodified as RCW 47.68.340 and 47.68.350 pursuant to 1977 ex.s. c 151 § 79. The references in this section have been amended to reflect these changes.

Sec. 148. Section .10.30, chapter 79, Laws of 1947 and RCW 48.10.300 are each amended to read as follows:

(1) Subject to the special surplus requirements of RCW ~~((48.11.120(3)))~~ 48.05.360, if a reciprocal insurer has a surplus of assets over all liabilities at least equal to the minimum capital stock required of a domestic stock insurer authorized to transact like kinds of insurance, upon application of the attorney and as approved by the subscribers' advisory committee the commissioner shall issue his certificate authorizing the insurer to extinguish the contingent liability of subscribers under its policies then in force in this state, and to omit provisions imposing contingent liability in all policies delivered or issued for delivery in this state for so long as all such surplus remains unimpaired.

(2) Upon impairment of such surplus, the commissioner shall forthwith revoke the certificate. No policy shall thereafter be issued or renewed without providing for the contingent assessment liability of subscribers.

(3) The commissioner shall not authorize a domestic reciprocal insurer so to extinguish the contingent liability of any of its subscribers or in any of its policies to be issued, unless it qualifies to and does extinguish such liability of all its subscribers and in all such policies for all kinds of insurance transacted by it. Except, that if required by the laws of another state in which the insurer is transacting insurance as an authorized insurer, the insurer may issue policies providing for the contingent liability of such of its

subscribers as may acquire such policies in such state, and need not extinguish the contingent liability applicable to policies theretofore in force in such state.

EXPLANATORY NOTE: RCW 48.11.120 was repealed by 1963 c 195 § 10. The reference to this section has been amended to refer to a later enactment, RCW 48.05.360, which contains the substance of the repealed section.

Sec. 149. Section .11.14, chapter 79, Laws of 1947 as amended by section 2, chapter 225, Laws of 1959 and RCW 48.11.140 are each amended to read as follows:

(1) No insurer shall retain any fire or surety risk on any one subject of insurance, whether located or to be performed in this state or elsewhere, in an amount exceeding ten percent of its surplus to policyholders, except that:

(a) Domestic mutual insurers may insure up to the applicable limits provided by RCW (~~(48.09.081)~~) 48.05.340, if greater.

(b) In the case of fire risks adequately protected by automatic sprinklers or fire risks principally of noncombustible construction and occupancy, an insurer may retain fire risks as to any one subject in an amount not exceeding twenty-five percent of the sum of (i) its unearned premium reserve and (ii) its surplus to policyholders.

(2) For the purposes of this section, a "subject of insurance" as to insurance against fire includes all properties insured by the same insurer which are reasonably subject to loss or damage from the same fire.

(3) Reinsurance in an alien reinsurer not qualified under RCW 48.05.300 may not be deducted in determining risk retained for the purposes of this section.

(4) In the case of surety insurance, the net retention shall be computed after deduction of reinsurances, the amount assumed by any co-surety, the value of any security deposited, pledged, or held subject to the consent of the surety and for the protection of the surety.

(5) This section shall not apply to insurance of marine risks or marine protection and indemnity risks.

EXPLANATORY NOTE: RCW 48.09.081 was repealed by 1980 c 135 § 3. The reference to this section has been amended to refer to a later enactment, RCW 48.05.340, which contains the substance of the repealed section.

Sec. 150. Section 5, chapter 104, Laws of 1969 as last amended by section 2, chapter 157, Laws of 1979 and RCW 48.18A.050 are each amended to read as follows:

The provisions of RCW 48.23.020, 48.23.030, 48.23.080 through 48.23.120, 48.23.140, 48.23.150, 48.23.200 through 48.23.240, 48.23.310, 48.23.350, and 48.23.360, (~~(and section 5 of this 1979 act,)~~) and the provisions of chapter 48.24 RCW shall be inapplicable to variable contracts; nor shall any provision in the code requiring contracts to be participating be deemed

applicable to variable contracts. Except as otherwise provided in this chapter, all pertinent provisions of the insurance code shall apply to separate accounts and contracts relating thereto. Any individual variable life insurance or individual variable annuity contract delivered or issued for delivery in this state shall contain grace, reinstatement, and nonforfeiture provisions appropriate to such contracts, and any such variable life insurance contract shall provide that the investment experience of the separate account shall in no event operate to reduce the death benefit below an amount equal to the face amount of the contract at the time the contract was issued. Any individual variable life insurance contract may contain a provision for deduction from the death proceeds of amounts of due and unpaid premiums or of indebtedness which are appropriate to such contracts. The reserve liability for variable annuities shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees.

EXPLANATORY NOTE: 1979 c 157 § 5 was vetoed by the governor. The reference to this section has been deleted.

Sec. 151. Section 31, chapter 70, Laws of 1965 [ex. sess.] and RCW 48.21A.050 are each amended to read as follows:

Any association formed for the purposes of this chapter may hold title to property, may enter into contracts, and may limit the liability of its members to their respective pro rata shares of the liability of such association. Any such association may sue and be sued in its associate name and for such purpose only shall be treated as a domestic corporation. Service of process against such association, made upon a managing agent, any member thereof or any agent authorized by appointment to receive service of process, shall have the same force and effect as if such service had been made upon all members of the association. Such association's books and records shall also be subject to examination under the provisions of RCW 48.03.010 through (~~48.03.080~~) 48.03.070, inclusive, either separately or concurrently with examination of any of its member insurers.

EXPLANATORY NOTE: RCW 48.03.080 was repealed by 1967 c 237 § 28. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 152. Section .25.10, chapter 79, Laws of 1947 and RCW 48.25.100 are each amended to read as follows:

There shall be a provision for nonforfeiture benefits as required by chapter 48.76 RCW (~~48.23.350~~).

EXPLANATORY NOTE: RCW 48.23.350 was repealed by 1982 1st ex.s. c 9 § 36. The reference to this section has been amended to refer to a later enactment, chapter 48.76 RCW, which contains the substance of the repealed section.

Sec. 153. Section .25.11, chapter 79, Laws of 1947 and RCW 48.25.110 are each amended to read as follows:

There shall be a provision for a cash surrender value as required by chapter 48.76 RCW (~~(48.23.350)~~).

EXPLANATORY NOTE: RCW 48.23.350 was repealed by 1982 1st ex.s. c 9 § 36. The reference to this section has been amended to refer to a later enactment, chapter 48.76 RCW, which contains the substance of the repealed section.

Sec. 154. Section 10, chapter 199, Laws of 1979 ex. sess. and RCW 48.30.157 are each amended to read as follows:

Notwithstanding the provisions of RCW 48.30.140, 48.30.150, and 48.30.155, the commissioner may permit an agent or broker to enter into reasonable arrangements with insureds and prospective insureds in situations where services are provided beyond the scope of services customarily provided in connection with the solicitation and procurement of insurance, so that an overall charge to an insured or prospective insured is reasonable taking into account receipt of commissions and fees and their relation, proportionally, to the value of the total work performed.

~~((Such arrangements, when prior authorization from the commissioner is obtained, shall not constitute violations subject to RCW 48.30.160.))~~

EXPLANATORY NOTE: RCW 48.30.160 was repealed by 1981 c 339 § 26. The reference to this section has been deleted.

Sec. 155. Section .32.37, chapter 79, Laws of 1947 and RCW 48.36.370 are each amended to read as follows:

Any society entering into such insurance agreements shall maintain in all such contracts the reserve required by the standard of mortality and interest adopted by the society for computing contributions as provided in RCW (~~(48.36.360)~~) 48.36.230; PROVIDED, That a society may provide that when a child reaches the minimum age for initiation into membership in such society, any benefit certificate issued hereunder may be surrendered for cancellation and exchanged for any other forms of certificate issued by the society. Upon the issuance of such new certificate, any reserve upon the original certificate herein provided for shall be transferred to the credit of the new certificate. Neither the person who originally made application for benefits on account of such child, nor the beneficiary named in such original certificate, nor the person who paid the contribution, shall have any vested right in such new certificate, the free nomination of a beneficiary under the new certificate to be left to the child so admitted to benefit membership.

EXPLANATORY NOTE: RCW 48.36.360 was repealed by 1973 c 79 § 2. The reference to this section has been amended to refer to a later enactment, RCW 48.36.230, which contains the substance of the repealed section.

Sec. 156. Section 3, chapter 51, Laws of 1973 and RCW 49.12.123 are each amended to read as follows:

In implementing state policy to assure the attendance of children in the public schools it shall be required of any person, firm or corporation employing any minor under the age of eighteen years to obtain a work permit as set forth in RCW (~~(49.12.120)~~) 49.12.121 and keep such permit on file

during the employment of such minor, and upon termination of such employment of such minor to return such permit to the industrial welfare committee of the department of labor and industries.

EXPLANATORY NOTE: RCW 49.12.120 was repealed by 1973 2nd ex.s. c 16 § 19. The reference to this section has been amended to refer to a later enactment, RCW 49.12.121, which contains the substance of the repealed section.

Sec. 157. Section 8, chapter 294, Laws of 1959 as amended by section 117, chapter 81, Laws of 1971 and RCW 49.46.080 are each amended to read as follows:

(1) As new regulations or changes or modification of previously established regulations are proposed, the director shall call a public hearing for the purpose of the consideration and establishment of such regulations following the procedures used in the promulgation of standards of safety under ~~((RCW 49.16.080, 49.16.090 and 49.16.100, as amended))~~ chapter 49.17 RCW.

(2) Any interested party may obtain a review of the director's findings and order in the superior court of county of petitioners' residence by filing in such court within sixty days after the date of publication of such regulation a written petition praying that the regulation be modified or set aside. A copy of such petition shall be served upon the director. The finding of facts, if supported by evidence, shall be conclusive upon the court. The court shall determine whether the regulation is in accordance with law. If the court determines that such regulation is not in accordance with law, it shall remand the case to the director with directions to modify or revoke such regulation. If application is made to the court for leave to adduce additional evidence by any aggrieved party, such party shall show to the satisfaction of the court that such additional evidence is material, and that there were reasonable grounds for the failure to adduce such evidence before the director. If the court finds that such evidence is material and that reasonable grounds exist for failure of the aggrieved party to adduce such evidence in prior proceedings, the court may remand the case to the director with directions that such additional evidence be taken before the director. The director may modify the findings and conclusions, in whole or in part, by reason of such additional evidence.

(3) The judgment and decree of the court shall be final except that it shall be subject to review by the supreme court or the court of appeals as in other civil cases.

(4) The proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of an administrative regulation issued under the provisions of this chapter. The court shall not grant any stay of an administrative regulation unless the person complaining of such regulation shall file in the court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the regulation, in the event such regulation is affirmed, of the amount by which

the compensation such employees are entitled to receive under the regulation exceeds the compensation they actually receive while such stay is in effect.

EXPLANATORY NOTE: RCW 49.16.080, 49.16.090, and 49.16.100 were repealed by 1973 c 80 § 28. The reference to these sections has been amended to refer to a later enactment, chapter 49.17 RCW, which contains the substance of the repealed sections. The phrase "as amended" is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

Sec. 158. Section 12, chapter 265, Laws of 1951 and RCW 50.20.115 are each amended to read as follows:

When an unemployed individual is qualified for receipt of unemployment compensation benefits by the specific provisions of RCW 50.20.010, 50.20.120 and 50.20.130, and such individual is not specifically disqualified from receiving such benefits by reason of the provisions of RCW ((~~50.20.030, 50.20.040;~~) 50.20.090, 50.20.050, 50.20.060, 50.20.070 or 50.20.080, he shall, for all purposes of the unemployment compensation act, be deemed to be involuntarily unemployed and entitled to unemployment compensation benefits: PROVIDED, That the cessation of operations by an employer for the purpose of granting vacations, whether by union contract or other reasons, shall in no manner be construed to be a voluntary quit nor a voluntary unemployment on the part of the employees.

EXPLANATORY NOTE: RCW 50.20.030 was repealed by 1975 1st ex.s. c 228 § 18, and RCW 50.20.040 was repealed by 1955 c 286 § 4. The references to these sections have been deleted.

Sec. 159. Section 51.32.060, chapter 23, Laws of 1961 as last amended by section 44, chapter 350, Laws of 1977 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 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 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 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 worker is receiving care under or pursuant to the provisions of chapter((§)) 51.36 RCW and ((51.40)) RCW 51.04.105.

(15) Should any further accident result in the permanent total disability of an injured 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.

EXPLANATORY NOTE: Chapter 51.40 RCW was repealed by 1977 ex.s. c 323 § 28 and 1981 c 260 § 18. The reference to this chapter has been amended to refer to RCW 51.04-.105, which provides for the continuation of obligations under chapter 51.40 RCW.

NEW SECTION. Sec. 160. RCW 51.44.034 is hereby decodified.



**EXPLANATORY NOTE:** RCW 51.44.034, which was enacted to transfer certain monies to the industrial insurance supplement pension fund on July 1, 1971, has no present effect or vitality. Therefore, it has been decodified.

Sec. 161. Section 1, chapter 176, Laws of 1953 as amended by section 2, chapter 101, Laws of 1972 ex. sess. and RCW 52.12.110 are each amended to read as follows:

Whenever the cost of any work to be done or the purchase of any materials, supplies, or equipment, will exceed the sum of twenty-five hundred dollars, the same shall be done by contract after a call for bids which shall be awarded to the lowest responsible bidder(~~(in accordance with the terms of RCW 39.24.010)~~): PROVIDED, That where the cost of work to be done or materials, supplies, or equipment to be purchased involves the construction or improvement of any fire station or other buildings the same shall be done by contract after call for bids whenever the estimated cost exceeds one thousand dollars. Notice of the call for bids shall be given by posting notice thereof in three public places in the district and by publication once each week for two consecutive weeks, said posting and first publication to be at least two weeks before the date fixed for opening of the bids, and such publication to be in a newspaper of general circulation within the district. The commissioners shall have the power by resolution to reject any and all bids and make further calls for bids in the same manner as the original call. If no bid is received on the first call, the commissioners may readvertise and make a second call, or may enter into a contract without any further call.

**EXPLANATORY NOTE:** RCW 39.24.010 was repealed by 1967 ex.s. c 101 § 1. The reference to this section has been deleted.

Sec. 162. Section 1, chapter 29, Laws of 1925 as last amended by section 57, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.070 are each amended to read as follows:

Any port district organized under the laws of this state shall, in addition to the powers otherwise provided by law, have the power to raise revenue by the levy and collection of an annual tax on all taxable property within such port district of not to exceed forty-five cents per thousand dollars of assessed value against the assessed valuation of the taxable property in such port district, for dredging, canal construction, or land leveling or filling purposes, the proceeds of any such levy to be used exclusively for such dredging, canal construction, or land leveling and filling purposes: PROVIDED, That no such levy for dredging, canal construction, or land leveling or filling purposes under the provisions of RCW 53.36.070 and 53.36.080 shall be made unless and until the question of authorizing the making of such additional levy shall have been submitted to a vote of the electors of the district in the manner provided by law for the submission of the question of making additional levies in school districts of the first class at an election held under the provisions of RCW (~~(29.13.030)~~) 29.13.020 and shall have been authorized by a majority of the electors voting thereon.

EXPLANATORY NOTE: RCW 29.13.030 was repealed by 1965 c 123 § 9. The reference to this section has been amended to refer to a later enactment, RCW 29.13.020, which contains the substance of the repealed section.

Sec. 163. Section 18, chapter 114, Laws of 1929 as last amended by section 73, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.20.100 are each amended to read as follows:

A district may, in addition to the levies mentioned in RCW 57.16.020, 57.16.040 and 57.20.010, levy a general tax on all property located in the district each year not to exceed fifty cents per thousand dollars of assessed value against the assessed valuation of the property where such water district maintains a fire department as authorized by RCW 57.16.010 to 57.16.040, inclusive, but such levy shall not be made where any property within such water district lies within the boundaries of any fire protection district created under RCW (~~(52.04.010)~~) 52.04.020 to 52.04.160, inclusive. The taxes so levied shall be certified for collection as other general taxes, and the proceeds, when collected, shall be placed in such water district funds as the commissioners may direct and paid out on warrants issued for water district purposes.

EXPLANATORY NOTE: RCW 52.04.010 was added by the 1941 Code Committee and was decodified since it has no session law background. The reference in this section has been amended to refer to the section numerically following the decodified section.

Sec. 164. Section 2, chapter 263, Laws of 1957 as last amended by section 17, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.410 are each amended to read as follows:

(1) "Spirituous liquor," as used in RCW 66.24.400 to (~~(66.24.470, as now or hereafter amended)~~) 66.24.450, inclusive, means "liquor" as defined in RCW 66.04.010(~~(+6)~~), except "wine" and "beer" sold as such.

(2) "Restaurant" as used in RCW 66.24.400 to (~~(66.24.470, as now or hereafter amended)~~) 66.24.450, inclusive, means an establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains: PROVIDED, That such establishments shall be approved by the board and that the board shall be satisfied that such establishment is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals. The service of only fry orders or such food and victuals as sandwiches, hamburgers, or salads shall not be deemed in compliance with this definition.

(3) "Hotel," "clubs," "wine" and "beer" are used in RCW 66.24.400 to (~~(66.24.470, as now or hereafter amended)~~) 66.24.450, inclusive, with the meaning given in chapter 66.04 RCW: PROVIDED, That any such hotel shall be provided with special space and accommodations where, in consideration of payment, food is habitually furnished to the public: PROVIDED FURTHER, That the board shall be satisfied that such hotel is maintained in a substantial manner as a place for preparing, cooking and serving of

complete meals. The service of only fry orders, sandwiches, hamburgers, or salads shall not be deemed in compliance with this definition.

EXPLANATORY NOTE: (1) RCW 66.24.470, which was recodified as RCW 66.98.070, does not use any of the terms defined in this section. The RCW references in this section to RCW 66.24.470 have been amended to refer to the numerically preceding section which uses the defined terms. The phrase "as now or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

(2) Amendments to RCW 66.04.010 have renumbered subsection (10) of that section. To avoid ambiguity, the subsection reference has been deleted.

Sec. 165. Section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 26, Laws of 1982 1st ex. sess. and RCW 66.28.040 are each amended to read as follows:

No brewer, wholesaler, distiller, winery, importer, rectifier, or other manufacturer of liquor shall, within the state, by himself, his clerk, servant, or agent, give to any person any liquor; but nothing in this section nor in RCW 66.28.010 (~~or 66.28.025~~) shall prevent a brewer, wholesaler, winery, or importer from furnishing samples of beer or wine to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor control board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210; nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board; nothing in this section shall prevent a brewery, winery, or wholesaler from furnishing beer or wine for instructional purposes under RCW 66.28.150; nothing in this section shall prevent a winery or wholesaler from furnishing wine without charge to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and any wine so furnished shall be used solely for such educational purposes, provided that the wine furnished shall be subject to the taxes imposed by RCW 66.24.210; nothing in this section shall prevent a brewer from serving beer without charge, on the brewery premises; and nothing in this section shall prevent a domestic winery from serving wine without charge, on the winery premises.

EXPLANATORY NOTE: RCW 66.28.025 was repealed by 1982 c 85 § 12. The reference to this section has been deleted.

NEW SECTION. Sec. 166. Section 6, chapter 90, Laws of 1961 and RCW 68.08.290 are each repealed.

EXPLANATORY NOTE: RCW 68.08.290 is an obsolete section of law recommended for repeal. The substantive provisions to which it refers were repealed by 1969 c 80 § 10.

Sec. 167. Section 43, chapter 247, Laws of 1943 and RCW 68.20.020 are each amended to read as follows:

Any private corporation authorized by its articles so to do, may establish, maintain, manage, improve, or operate a cemetery, and conduct any or all of the businesses of a cemetery, either for or without profit to its members or stockholders. A nonprofit cemetery corporation may be organized in

the manner provided in chapter ((24.16)) 24.03 RCW. A profit corporation may be organized in the manner provided in the general corporation laws of the state of Washington.

EXPLANATORY NOTE: Chapter 24.16 RCW was repealed by 1967 c 235 § 100 (Washington Nonprofit Corporation Act). The reference to this chapter has been amended to refer to a later enactment, chapter 24.03 RCW, which contains the substance of the repealed chapter.

Sec. 168. Section 10, chapter 121, Laws of 1967 ex. sess. and RCW 69-.07.100 are each amended to read as follows:

The provisions of this chapter shall not apply to establishments issued a permit or licensed under the provisions of:

- (1) Chapter 15.32 RCW, the Dairies and dairy products act;
- (2) Chapter 69.12 RCW, the Bakeries and bakery products act;
- (3) Chapter 69.16 RCW, the Macaroni and macaroni products act;
- (4) Chapter 69.20 RCW, the Confections act;
- (5) Chapter ((69.24)) 69.25 RCW, the Washington wholesome eggs and egg products act;
- (6) Chapter 69.28 RCW, the Washington state honey act;
- (7) Chapter 16.49 RCW, the Meat inspection act;
- (8) Title 66 RCW, relating to alcoholic beverage control; and
- (9) Chapter 69.30 RCW, the Sanitary control of shellfish act: PROVIDED, That if any such establishments process foods not specifically provided for in the above entitled acts, such establishments shall be subject to the provisions of this chapter.

The provisions of this chapter shall not apply to restaurants or food service establishments.

EXPLANATORY NOTE: Chapter 69.24 RCW was repealed by 1975 1st ex.s. c 201 § 40 and 1955 c 193 § 36. The reference to this chapter has been amended to refer to a later enactment, chapter 69.25 RCW, which contains the substance of the repealed chapter.

NEW SECTION. Sec. 169. RCW 69.32.010, 69.32.030, 69.32.060, 69-.32.096, 69.32.900, 69.32.910, 69.32.920, 69.32.930, 69.32.940, 69.32.950, and 69.32.960 are each decodified.

EXPLANATORY NOTE: The RCW sections listed above are obsolete sections of law recommended for decodification. The substantive provisions of which they were a part were repealed by 1975-'76 2nd ex.s. c 103 § 3.

Sec. 170. Section 2, chapter 190, Laws of 1943 as amended by section 2, chapter 46, Laws of 1945 and RCW 70.12.040 are each amended to read as follows:

Any such fund may be established in the county treasurer's office or the city treasurer's office of a first class city according to the type of local health department organization existing.

In a district composed of more than one county, the county treasurer of the county having the largest population shall be the custodian of the fund, and the county auditor of said county shall keep the record of receipts and

disbursements; and shall draw and the county treasurer shall honor and pay all such warrants.

Into any such fund so established may be paid:

- (1) All grants from any state fund for county public health work;
- (2) ~~((All county funds collected by county levy as set forth in RCW 70.12.010;~~
- ~~(3))~~ (3) Any county current expense funds appropriated for the health department;
- ~~((4))~~ (3) Any other money appropriated by the county for health work;
- ~~((5))~~ (4) City funds appropriated for the health department;
- ~~((6))~~ (5) All moneys received from any governmental agency, local, state or federal which may contribute to the local health department; and
- ~~((7))~~ (6) Any contributions from any charitable or voluntary agency or contributions from any individual or estate.

Any school district may contract in writing for health services with the health department of the county, first class city or health district, and place such funds in the public health pooling fund in accordance with the contract.

EXPLANATORY NOTE: RCW 70.12.010 was repealed by 1975 1st ex.s. c 291 § 24. The reference to this section has been deleted.

Sec. 171. Section 15, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.010 are each amended to read as follows:

The following words and phrases shall have the designated meanings in this chapter and RCW 70.32.010, 70.32.050, and 70.32.060 ~~((and 70.32.090))~~ unless the context clearly indicated otherwise:

- (1) "Department" means the department of social and health services;
- (2) "Secretary" means the secretary of the department of social and health services or his designee;
- (3) "Tuberculosis hospital" and "tuberculosis hospital facility" refer to hospitals for the care of persons suffering from tuberculosis;
- (4) "Tuberculosis control" refers to the procedures administered in the counties for the control and prevention of tuberculosis, but does not include hospitalization.

EXPLANATORY NOTE: RCW 70.32.090 was repealed by 1975 1st ex.s. c 291 § 24. The reference to this section has been deleted.

Sec. 172. Section 16, chapter 277, Laws of 1971 ex. sess. as amended by section 2, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.020 are each amended to read as follows:

From and after August 9, 1971, the secretary shall have responsibility for establishing standards for the control, prevention and treatment of tuberculosis and shall have administrative responsibility and control for all tuberculosis hospital facilities in the state operated pursuant to this chapter and RCW 70.32.010, 70.32.050, and 70.32.060 ~~((and 70.32.090))~~ and for

providing, either directly or through agreement, contract or purchase, hospital, nursing home and other appropriate facilities and services including laboratory services for persons who are, or may be suffering from tuberculosis except as otherwise provided by RCW 70.30.061, 70.33.020, 70.33.030, and 70.33.040 (~~and 70.35.040~~).

Pursuant to that responsibility, the secretary shall have the following powers and duties:

(1) To develop and enter into such agreements, contracts or purchase arrangements with counties and public and private agencies or institutions to provide for hospitalization, nursing home or other appropriate facilities and services for persons who are or may be suffering from tuberculosis, or to provide for and maintain any tuberculosis hospital facility which the secretary determines is necessary to meet the needs of the state, to determine where such hospitals shall be located and to adequately staff such hospitals to meet patient care needs;

(2) To appoint a medical director for each tuberculosis hospital facility operated pursuant to this chapter and RCW 70.32.010, 70.32.050, and 70.32.060 (~~and 70.32.090~~);

(3) Adopt such rules and regulations as are necessary to assure effective patient care and treatment, and to provide for the general administration of tuberculosis hospital facilities operated pursuant to this chapter and RCW 70.32.010, 70.32.050, and 70.32.060 (~~and 70.32.090~~).

EXPLANATORY NOTE: RCW 70.32.090 and 70.35.040 were repealed by 1975 1st ex.s. c 291 § 24. The references to these sections have been deleted.

Sec. 173. Section 17, chapter 277, Laws of 1971 ex. sess. as amended by section 3, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.030 are each amended to read as follows:

The medical director of any tuberculosis hospital facility operated pursuant to this chapter and RCW 70.32.010, 70.32.050, and 70.32.060 (~~and 70.32.090~~) and RCW 70.30.061, 70.33.020, 70.33.030, and 70.33.040 (~~and 70.35.040~~) shall be a qualified and licensed practitioner of medicine and shall have the following powers and duties:

(1) To provide for the administration of the hospital according to the rules and regulations adopted by the department;

(2) To adopt and publish such rules and regulations governing the administration of the hospital as are deemed necessary: PROVIDED, That such rules and regulations are not in conflict with those adopted by the department and have the written approval of the secretary.

EXPLANATORY NOTE: RCW 70.32.090 and 70.35.040 were repealed by 1975 1st ex.s. c 291 § 24. The references to these sections have been deleted.

Sec. 174. Section 9, chapter 32, Laws of 1951 as amended by section 2, chapter 86, Laws of 1972 ex. sess. and RCW 70.79.090 are each amended to read as follows:

The following boilers and unfired pressure vessels shall be exempt from the requirements of RCW 70.79.220(;) and 70.79.240 through (~~70.79-340~~) 70.79.330:

(1) Boilers or unfired pressure vessels located on farms and used solely for agricultural purposes;

(2) Steam boilers used exclusively for heating purposes carrying a pressure of not more than fifteen pounds per square inch gauge and which are located in private residences or in apartment houses of less than six families;

(3) Hot water heating boilers carrying a pressure of not more than thirty pounds per square inch and which are located in private residences or in apartment houses of less than six families;

(4) Approved pressure vessels (hot water heaters listed by a nationally recognized testing agency), with approved safety devices including a pressure relief valve, with a nominal water containing capacity of one hundred twenty gallons or less having a heat input of two hundred thousand b.t.u.'s per hour or less, used for hot water supply at pressure of one hundred sixty pounds per square inch or less, and at temperatures of two hundred degrees Fahrenheit or less: PROVIDED, HOWEVER, That such pressure vessels are not installed in schools, child care centers, public and private hospitals, nursing and boarding homes, churches, public buildings owned or leased and maintained by the state or any political subdivision thereof, and assembly halls;

(5) Unfired pressure vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping systems, when located in private residences or in apartment houses of less than six families;

(6) Unfired pressure vessels containing liquified petroleum gases.

EXPLANATORY NOTE: RCW 70.79.340 was repealed by 1970 ex.s. c 21 § 3. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 175. Section 1, chapter 38, Laws of 1977 ex. sess. and RCW 70.94.041 are each amended 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~~) 43.51A.080, 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.

EXPLANATORY NOTE: RCW 43.51.770 was repealed by 1977 ex.s. c 195 § 22. The reference to this section has been amended to refer to a later enactment, RCW 43.51A.080, which contains the substance of the repealed section.

Sec. 176. Section 31, chapter 238, Laws of 1967 as last amended by section 1, chapter 59, Laws of 1974 ex. sess. and RCW 70.94.181 are each amended to read as follows:

(1) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the department of ecology where it has regulatory authority under RCW 70.94.390, 70.94.395, 70.94.410, and 70.94.420, or board for a variance from rules or regulations governing the quality, nature, duration or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the department of ecology or board may require. The department of ecology or board may grant such variance, but only after public hearing or due notice, if it finds that:

(a) The emissions occurring or proposed to occur do not endanger public health or safety; and

(b) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the department of ecology or board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the department of ecology or board may prescribe.

(b) If the application for variance shows that there is no automobile fragmentizer within a reasonable distance of the wrecking yard for which the variance is sought, a variance will be granted for a period not to exceed three years for commercial burning of automobile hulks, subject to such conditions as the department of ecology may impose as to climatic conditions and hours during which burning of such hulks may be carried out: PROVIDED, HOWEVER, That any variance granted hereunder shall be of no force and effect after July 1, 1970.

(c) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the department of ecology or board is requisite for the taking of the necessary measures. A variance



granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(d) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in item (a), (b) and (c) of this subparagraph, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the department of ecology or board on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the state board or board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the department of ecology or board shall give public notice of such application in accordance with rules and regulations of the department of ecology or board.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the department of ecology or board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the department of ecology or board may obtain judicial review thereof under the provisions of chapter 34.04 RCW as now or hereafter amended.

(6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW (~~70.94.415~~) 70.94.710 through 70.94.730 to any person or his property.

(7) An application for a variance, or for the renewal thereof, submitted to the department of ecology or board pursuant to this section shall be approved or disapproved by the department or board within sixty-five days of receipt unless the applicant and the department of ecology or board agree to a continuance.

EXPLANATORY NOTE: RCW 70.94.415 was repealed by 1971 ex.s. c 194 § 7. The reference to this section has been amended to refer to later enactments, RCW 70.94.710 through 70.94.730, which contain the substance of the repealed section.

Sec. 177. Section 40, chapter 238, Laws of 1967 and RCW 70.94.232 are each amended to read as follows:

(1) Any local or regional air pollution control program formed as a district under chapter 70.94 RCW prior to June 8, 1967 which is composed of one or more counties and the cities and towns therein, and whose boundaries are coextensive with the boundaries of one or more counties, shall, upon June 8, 1967, be considered an activated authority, provided that within six

months of June 8, 1967 the board of directors shall be reorganized to conform to the provisions of RCW 70.94.100, 70.94.110 and 70.94.120.

(2) Nothing in this chapter except those sections which do so expressly shall be construed to supersede or nullify the ordinances, resolutions, rules or regulations of any local or regional air pollution control program in operation on June 8, 1967, but such local or regional programs shall be subject to the provisions of RCW 70.94.230, 70.94.231, 70.94.232, 70.94.380, 70.94.395, 70.94.400 and ~~((70.94.415))~~ 70.94.710 through 70.94.730.

EXPLANATORY NOTE: RCW 70.94.415 was repealed by 1971 ex.s. c 194 § 7. The reference to this section has been amended to refer to later enactments, RCW 70.94.710 through 70.94.730, which contain the substance of the repealed section.

Sec. 178. Section 4, chapter 41, Laws of 1971 ex. sess. and RCW 70.104.040 are each amended to read as follows:

(1) In any case where an emergency relating to pesticides occurs that represents a hazard to the public due to toxicity of the material, the quantities involved or the environment in which the incident takes place, such emergencies including but not limited to fires, spillage, and accidental contamination, the person or agent of such person having actual or constructive control of the pesticides involved shall immediately notify the department of social and health services by telephone or the fastest available method.

(2) Upon notification or discovery of any pesticide emergency the department of social and health services shall:

(a) Make such orders and take such actions as are appropriate to assume control of the property and to dispose of hazardous substances, prevent further contamination, and restore any property involved to a nonhazardous condition. In the event of failure of any individual to obey and carry out orders pursuant to this section, the department of social and health services shall have all power and authority to accomplish those things necessary to carry out such order. Any expenses incurred by the department of social and health services as a result of intentional failure of any individual to obey its lawful orders shall be charged as a debt against such individual.

(3) In any case where the department of social and health services has assumed control of property pursuant to this chapter, such property shall not be reoccupied or used until such time as written notification of its release for use is received from the secretary of the department of social and health services or his designee. Such action shall take into consideration the economic hardship, if any, caused by having the department assume control of property, and release shall be accomplished as expeditiously as possible. Nothing in this chapter shall prevent a farmer from continuing to process his crops and/or animals provided that it does not endanger the public health.

(4) The department shall recognize the pesticide industry's responsibility and active role in minimizing the effect of pesticide emergencies and shall provide for maximum utilization of these services.

(5) Nothing in this chapter shall be construed in any way to infringe upon or negate the authority and responsibility of the department of agriculture in its application and enforcement of the Washington Pesticide Control Act, chapter ~~((15.57))~~ 15.58 RCW and the Washington Pesticide Application Act, chapter 17.21 RCW. The department of social and health services shall work closely with the department of agriculture in the enforcement of this chapter and shall keep it appropriately advised.

EXPLANATORY NOTE: Chapter 15.57 RCW was repealed by 1971 ex.s. c 190 § 47. The reference to this chapter has been amended to refer to a later enactment, chapter 15.58 RCW, which contains the substance of the repealed chapter.

Sec. 179. Section 8, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 145, Laws of 1974 ex. sess. and RCW 71-.05.030 are each amended to read as follows:

Persons suffering from a mental disorder may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, chapter ~~((10.76))~~ 10.77 RCW or its successor, chapter 71.06 RCW, transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing.

EXPLANATORY NOTE: Chapter 10.76 RCW was repealed by 1973 1st ex.s. c 117 § 29 and 1965 ex.s. c 9 § 7. The reference to this chapter has been amended to refer to a later enactment, chapter 10.77 RCW, which contains the substance of the repealed chapter.

Sec. 180. Section 71.12.590, chapter 25, Laws of 1959 and RCW 71-.12.590 are each amended to read as follows:

Failure to comply with any of the provisions of RCW 71.12.550 through ~~((71.12.580))~~ 71.12.570 shall constitute grounds for revocation of license: PROVIDED, HOWEVER, That 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 establishment, as defined in this chapter conducted in accordance with the practice and principles of the body known as Church of Christ, Scientist.

EXPLANATORY NOTE: RCW 71.12.580 was repealed by 1973 1st ex.s. c 142 § 66. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 181. Section 3, chapter 110, Laws of 1967 ex. sess. and RCW 71-.20.030 are each amended to read as follows:

Each state department or agency administering federal or state funds which provide services to the mentally retarded, or research or staff training in the field of mental retardation, ~~((shall consult with the mental retardation and mental health advisory council established pursuant to RCW 71-16.020 and))~~ shall:

(1) Investigate and determine the nature and extent of services within its legal authority which are presently available to mentally retarded persons in this state;

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

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

(4) Review and approve proposed plans required to be submitted for the expenditure of funds in community mental retardation services submitted by any community under the provisions of this chapter;

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

EXPLANATORY NOTE: RCW 71.16.020 was repealed by 1979 c 141 § 386. The reference to this section has been deleted.

Sec. 182. Section 4, chapter 110, Laws of 1967 ex. sess. as amended by section 3, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.040 are each amended to read as follows:

The county commissioners of any county or the boards of county commissioners of more than one county by joint action, are authorized to appoint a community board to plan services for the mentally retarded and other developmentally disabled, to provide directly or indirectly a continuum of care and services to mentally retarded and other developmentally disabled persons and their families, and to coordinate all of the local mental retardation and developmental disability services within the county or counties served by such community board. Members to be appointed to the board shall include but not be limited to representatives of public, private or voluntary agencies, and local governmental units which participate in a program for mentally retarded and other developmentally disabled persons, and private citizens knowledgeable or interested in services to the mentally retarded and other developmentally disabled in the community.

The board shall consist of not less than nine nor more than fifteen members who shall be appointed by the board or boards of county commissioners for three year terms, and until their successors are appointed and qualified. The members of the community board shall not be compensated for the performance of their duties as members of the community board, but may be paid subsistence rates and mileage in the amounts prescribed by RCW (~~36.17.030 as now or hereafter amended~~) 42.24.090.

EXPLANATORY NOTE: RCW 36.17.030 was repealed by 1974 ex.s. c 24 § 1. The reference to this section has been amended to refer to a later enactment, RCW 42.24.090, which contains the substance of the repealed section. The phrase "as now or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

Sec. 183. Section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 5, chapter 155, Laws of 1980 and RCW 71.20.110 are each amended to read as follows:

In order to provide additional funds for the coordination of community mental retardation and other developmental disability services and to provide community mental retardation, other developmental disability, or mental health services, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property in the county to be used for such purposes: PROVIDED, That all or part of the funds collected from the tax levied for the purposes of this section may be transferred to the state of Washington, department of social and health services, for the purpose of obtaining federal matching funds to provide and coordinate community mental retardation, other developmental disability, and mental health services. In the event a county elects to transfer such tax funds to the state for this purpose, the state shall grant these moneys and the additional funds received as matching funds to service-providing community agencies or community boards in the county which has made such transfer, pursuant to the plan approved by the county, as provided by chapters (~~71.16~~) 71.20, 71.24, and 71.28 RCW, all as now or hereafter amended.

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

EXPLANATORY NOTE: Chapter 71.16 RCW was repealed by 1979 c 141 § 386. The reference to this chapter has been deleted.

Sec. 184. Section 72.01.260, chapter 28, Laws of 1959 as amended by section 156, chapter 141, Laws of 1979 and RCW 72.01.260 are each amended to read as follows:

Nothing contained in RCW 72.01.210 through (~~72.01.250~~) 72.01.240 shall be so construed as to exclude ministers of any denomination from giving gratuitous religious or moral instruction to prisoners under such reasonable rules and regulations as the secretary may prescribe.

EXPLANATORY NOTE: RCW 72.01.250 was repealed by 1971 ex.s. c 189 § 17. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 185. Section 8, chapter 122, Laws of 1967 ex. sess. as last amended by section 97, chapter 136, Laws of 1981 and RCW 72.15.060 are each amended to read as follows:

All female persons convicted in the superior courts of a felony and sentenced to a term of confinement, shall be committed to the Washington correctional institution for women. Female persons sentenced to death shall be committed to the Washington correctional institution for women, notwithstanding the provisions of RCW (~~10.70.060~~) 10.95.170, except that

the death warrant shall provide for the execution of such death sentence at the Washington state penitentiary as provided by RCW (~~10-70.050~~) 10-95.160, and the secretary of corrections shall transfer to the Washington state penitentiary any female offender sentenced to death not later than seventy-two hours prior to the date fixed in the death warrant for the execution of the death sentence. The provisions of this section shall not become effective until the secretary of corrections certifies to the chief justice of the supreme court, the chief judge of each division of the court of appeals, the superior courts and the prosecuting attorney of each county that the facilities and personnel for the implementation of commitments are ready to receive persons committed to the Washington correctional institution for women under the provisions of this section.

EXPLANATORY NOTE: RCW 10.70.060 and 10.70.050 were repealed by 1981 c 138 § 24. The references to these sections have been amended to refer to later enactments, RCW 10-95.170 and 10.95.160, which contain the substance of the repealed sections.

Sec. 186. Section 6, chapter 287, Laws of 1959 as amended by section 293, chapter 141, Laws of 1979 and RCW 72.70.060 are each amended to read as follows:

If any agreement between this state and any other state party to the Western Interstate Corrections Compact enables the release of an inmate of this state confined in an institution of another state to be released in such other state in accordance with Article IV(g) of this compact, then the secretary is authorized to provide clothing, transportation and funds to such inmate in accordance with the provisions of (~~RCW 72.08.343~~) chapter 72.02 RCW.

EXPLANATORY NOTE: RCW 72.08.343 was repealed by 1971 ex.s. c 171 § 3. The reference to this section has been amended to refer to a later enactment, chapter 72.02 RCW, which contains the substance of the repealed section.

Sec. 187. Section 4, chapter 298, Laws of 1957 and RCW 72.99.100 are each amended to read as follows:

For the purpose of providing means for paying the costs of the projects authorized by RCW 72.99.070 through 72.99.160, and to pay costs incident to the issuance and sale of bonds by RCW 72.99.070 through 72.99.160, the state finance committee is authorized to issue and sell limited obligation bonds of the state of Washington. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee may, in its discretion, provide for the issuance of said bonds to be dated, issued and sold from time to time in such amounts as may be necessary to make the payments provided for by RCW 72.99.070 through 72.99.160. Said bonds:

- (1) Shall be
  - (a) Either registered or in coupon form; and
  - (b) Issued in denominations of not less than one hundred dollars;
- (2) 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 out of the special fund established for the purposes of RCW 72.99.070 through 72.99.160;
- (3) Shall bear interest, payable either annually or semiannually, as the state finance committee may determine, at a rate not to exceed six percent per annum;
- (4) Shall be payable solely out of the special fund created for the purposes of RCW 72.99.070 through 72.99.160;
- (5) Shall be payable at such times over a period of not to exceed thirty years from date of issuance, in such manner and at such place or places, and with such reserved rights of prior redemption, as the state finance committee may prescribe to be specified therein;
- (6) Shall be signed either manually or with a printed facsimile signature by the governor and the state auditor under the seal of the state and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile.

Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York, as to principal alone or as to both principal and interest under such regulations as the state treasurer may prescribe. Said bonds shall distinctly state that they shall not be a general obligation of the state of Washington, but shall be payable from that portion of the retail sales tax allocated to said fund in the manner prescribed in RCW 72.99.070 through 72.99.160. Said bonds and the interest thereon shall, so long as any portion thereof shall remain unpaid, constitute a prior charge upon the retail sales tax allocated to the state building construction bond redemption fund herein provided for, subject to and inferior only to the charge thereon created by ((~~chapters 229 and 230, Laws of 1949 [RCW 28A.47.130-28A.47.180 and 72.99.010-72.99.060]~~)) RCW 28A.47.130 through 28A.47.180, and shall be payable at such places as the state finance committee shall provide. All bonds issued under the provisions of RCW 72.99.070 through 72.99.160 may be sold in such manner and such amounts and at such times and on such terms and conditions as the state finance committee may prescribe: PROVIDED, That if such bonds are sold to any persons other than the state of Washington they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provision of RCW 72.99.070 through 72.99.160 shall be legal investment for any of the funds of the state not restricted by any constitutional prohibition.

EXPLANATORY NOTE: RCW 72.99.010 through 72.99.060 (1949 c 230) were repealed by 1979 ex.s. c 67 § 18. The reference to these statutes has been deleted, and 1949 c 229 has been translated to refer to the RCW numbers under which it is codified.

Sec. 188. Section 6, chapter 298, Laws of 1957 as amended by section 37, chapter 278, Laws of 1975 1st ex. sess. and RCW 72.99.120 are each amended to read as follows:

There is hereby created in the state treasury a special fund to be known as the state building construction bond redemption fund, which fund shall be exclusively devoted for the retirement of said bonds upon maturity and the payment of interest as it falls due. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and the state treasurer shall thereupon deposit such amount in said state building construction bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to the charges thereon created by ~~((chapters 229 and 230, Laws of 1949 [RCW 28A.47.130-28A.47.180 and 72.99.010-72.99.060])~~) RCW 28A.47.130 through 28A.47.180. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 72.99.070 through 72.99.160, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 72.99.070 through 72.99.160 shall have been paid.

EXPLANATORY NOTE: RCW 72.99.010 through 72.99.060 (1949 c 230) were repealed by 1979 ex.s. c 67 § 18. The reference to these statutes has been deleted, and 1949 c 229 has been translated to refer to the RCW numbers under which it is codified.

Sec. 189. Section 3, chapter 51, Laws of 1973 1st ex. sess. as amended by section 2, chapter 137, Laws of 1980 and RCW 74.08.550 are each amended to read as follows:

(1) The department of social and health services is authorized to develop a program to provide for those services enumerated in RCW ~~((74.08.540))~~ 74.08.541.

(2) The department shall endeavor to assure that, for each individual receiving in-home services, a single caseworker is responsible for coordinating the delivery of all necessary in-home services for which the recipient is eligible.

(3) The department may provide assistance in the recruiting of providers of the services enumerated in RCW ~~((74.08.540))~~ 74.08.541 and seek to assure the timely provision of services in emergency situations.



(4) The department shall assure that all providers of the services enumerated in RCW (~~74.08.540~~) 74.08.541 are compensated for the delivery of the services on a prompt and regular basis.

EXPLANATORY NOTE: RCW 74.08.540 was repealed by 1981 1st ex. s. c 6 § 28. The reference to this section has been amended to refer to a later enactment, RCW 74.08.541, which contains the substance of the repealed section.

Sec. 190. Section 4, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.560 are each amended to read as follows:

In developing the program set forth in RCW 74.08.550, the department shall, to the extent possible, and consistent with federal law, enlist the services of persons receiving grants under the provisions of chapter 74.08 RCW and chapter 74.12 RCW to carry out the services enumerated under RCW (~~74.08.540 herein~~) 74.08.541. To this end, the department shall establish appropriate rules and regulations designed to determine eligibility for employment under this section, as well as regulations designed to notify persons receiving such grants of eligibility for such employment. The department shall further establish a system of compensation to persons employed under the provisions of this section which provides that any grants they receive under chapter 74.08 RCW or chapter 74.12 RCW shall be diminished by such percentage of the compensation received under this section as the department shall establish by rules and regulations.

EXPLANATORY NOTE: RCW 74.08.540 was repealed by 1981 1st ex. s. c 6 § 28. The reference to this section has been amended to refer to a later enactment, RCW 74.08.541, which contains the substance of the repealed section.

Sec. 191. Section 24, chapter 228, Laws of 1963 and RCW 74.12.280 are each amended to read as follows:

The department is hereby authorized to promulgate rules and regulations which will provide for coordination between the services provided pursuant to chapter 74.13 RCW (~~74.12.130~~) and the services provided under the aid to families with dependent children program in order to provide welfare and related services which will best promote the welfare of such children and their families and conform with the provisions of Public Law 87-543 (HR 10606).

EXPLANATORY NOTE: RCW 74.12.130 was repealed by 1965 c 30 § 5. The reference to this section has been amended to refer to a later enactment, chapter 74.13 RCW, which contains the substance of the repealed section.

Sec. 192. Section 1, chapter 172, Laws of 1967 as amended by section 70, chapter 80, Laws of 1977 ex. sess. 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 RCW 74.13.031 is:

- (1) To safeguard the well-being of children, expectant mothers and 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 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 developmentally disabled persons.

EXPLANATORY NOTE: RCW 74.32.040 through 74.32.055 were repealed by 1971 ex.s. c 189 § 17 and 1967 c 172 § 23. The reference to these sections have been deleted.

Sec. 193. Section 1, chapter 253, Laws of 1969 ex. sess. as amended by section 1, chapter 141, Laws of 1979 ex. sess. and RCW 75.24.100 are each amended to read as follows:

(1) The director of fisheries may at his discretion and with the approval of the commissioner of public lands issue licenses for the harvesting of geoduck clams for commercial purposes from specific tracts of beds of navigable waters of the state of Washington for which harvest rights have been granted by the department of natural resources except that he may not authorize harvesting for commercial purposes on bottoms which are shallower than eighteen feet below mean lower low water (o.o. ft.), or which lie in an area bounded by the line of ordinary high tide (mean high tide) and a line two hundred yards seaward from and parallel to said line of ordinary high tide. If the director shall determine that the numbers of units of gear are sufficient to harvest the known available crop and that additional units of gear might prove damaging to the resource or its habitat, he may suspend the issuance of such additional licenses for the balance of any given year or until he determines there is need for additional units of gear to achieve a sustained harvest. All harvesting shall be done with hand held, manually operated water jet or suction device guided and controlled from under water by scuba or other diver. The director shall also determine from time to time the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit and he may require modification of the gear or cessation of its use if he determines that it is being operated in a wasteful or destructive manner or that its operation tends to cause permanent damage to the bottom or adjacent shellfish populations.

(2) Any person, including the person's agents or representatives, who is issued or currently holds a license under subsection (1) of this section shall

comply with all applicable commercial diving safety standards and regulations promulgated and implemented by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists on May 8, 1979 (84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq.). Violations of these safety standards and regulations shall be deemed to be violations of this subsection: **PROVIDED**, That for the purposes of this section and RCW ((79.01.570)) 79.96.080 all persons who dive for geoducks are deemed to be "employees" as defined by the federal occupational safety and health act. Violations of this subsection are grounds for suspension or cancellation of the license upon ten days written notice to the licensee and following a hearing on the matter. In no event shall a license be suspended or canceled if the violation has been corrected within ten days. If there is a substantial probability that a particular violation of the commercial diving standards could result in death or serious physical harm to any person engaged in harvesting geoduck clams, the license shall be suspended immediately until the violation causing the probability of death or serious physical harm has been corrected: **PROVIDED FURTHER**, That for the purposes of this subsection, if the licensee is the holder of a tract license and contracts with another entity for the harvesting of geoducks, the license shall not be suspended or canceled if the licensee terminates its business relationship with such entity until compliance with this subsection is secured.

EXPLANATORY NOTE: RCW 79.01.570 was repealed by 1982 1st ex.s. c 21 § 183, effective July 1, 1983. The reference to this section has been amended to refer to a later enactment, RCW 79.96.080, which contains the substance of the repealed section.

Sec. 194. Section 1, chapter 100, Laws of 1963 as amended by section 1, chapter 49, Laws of 1971 ex. sess. and RCW 76.01.060 are each amended to read as follows:

Any authorized assistants, employees, agents, appointees or representatives of the department of natural resources may, in the course of their inspection and enforcement duties as provided for in chapters 76.04, 76.06, ((76.08)) 76.09, 76.16, 76.36 and 76.40 RCW, enter upon any lands, real estate, waters or premises except the dwelling house or appurtenant buildings in this state whether public or private and remain thereon while performing such duties. Similar entry by the department of natural resources may be made for the purpose of making examinations, locations, surveys and/or appraisals of all lands under the management and jurisdiction of the department of natural resources; or for making examinations, appraisals and, after five days' written notice to the landowner, making surveys for the purpose of possible acquisition of property to provide public access to public lands. In no event other than an emergency such as fire fighting shall motor vehicles be used to cross a field customarily cultivated, without prior consent of the owner. None of the entries herein provided for shall constitute trespass, but nothing contained herein shall limit or diminish any liability which

would otherwise exist as a result of the acts or omissions of said department or its representatives.

EXPLANATORY NOTE: Chapter 76.08 RCW was repealed by 1974 ex.s. c 137 § 34. The reference to this chapter has been amended to refer to a later enactment, chapter 76.09 RCW, which contains the substance of the repealed chapter.

Sec. 195. Section 1, chapter 47, Laws of 1969 ex. sess. and RCW 76-.12.072 are each amended to read as follows:

Whenever the board of county commissioners of any county shall determine that forest lands, that were acquired from such county by the state pursuant to RCW 76.12.030 and that are under the administration of the department of natural resources, are needed by the county for public park use in accordance with the county and the state outdoor recreation plans, the board of county commissioners may file an application with the board of natural resources for the transfer of such forest lands.

Upon the filing of an application by the board of county commissioners, the department of natural resources shall cause notice of the impending transfer to be given in the manner provided by RCW (~~(42.32.010)~~) 42.32.060. If the department of natural resources determines that the proposed use is in accordance with the state outdoor recreation plan, it shall reconvey said forest lands to the requesting county to have and to hold for so long as the forest lands are developed, maintained, and used for the proposed public park purpose. This reconveyance may contain conditions to allow the department of natural resources to coordinate the management of any adjacent state owned lands with the proposed park activity to encourage maximum multiple use management and may reserve rights of way needed to manage other state owned lands in the area. The application shall be denied if the department of natural resources finds that the proposed use is not in accord with the state outdoor recreation plan. If the land is not, or ceases to be, used for public park purposes the land shall be conveyed back to the department of natural resources upon request of the department.

EXPLANATORY NOTE: RCW 42.32.010 was repealed by 1971 ex.s. c 250 § 15. The reference to this section has been amended to refer to a later enactment, RCW 42.30.060, which contains the substance of the repealed section.

Sec. 196. Section 77.16.020, chapter 36, Laws of 1955 as last amended by section 3, chapter 310, Laws of 1981 and RCW 77.16.020 are each amended to read as follows:

(1) It is unlawful to hunt, fish, possess, or control a species of game bird, game animal, or game fish during the closed season for that species except as provided in RCW (~~(77.16.030)~~) 77.12.105.

(2) It is unlawful to kill, take, catch, possess, or control these species in excess of the number fixed as the bag limit for each species.

(3) It is unlawful to hunt within a game reserve or to fish for game fish within closed waters.

(4) It is unlawful to hunt wild birds or wild animals within a closed area except as authorized by rule of the commission.

(5) It is unlawful to hunt or fish for wildlife, practice taxidermy for profit, deal in raw furs for profit, act as a fishing guide, or operate a game farm, stock game fish, or collect wildlife for research or display, without having in possession the license, permit, tag, stamp, or punchcard required by chapter 77.32 RCW or rule of the commission. The activities described in this subsection shall be conducted in accordance with rules of the commission.

EXPLANATORY NOTE: RCW 77.16.030 was recodified as RCW 77.12.105 by 1980 c 78 § 24. The reference in this section has been amended to reflect this change.

Sec. 197. Section 4, chapter 45, Laws of 1899 and RCW 78.08.075 are each amended to read as follows:

The term "lode" as used in RCW 78.08.050 through ~~((78.08.140))~~ 78.08.115 shall be construed to mean ledge, vein or deposit.

EXPLANATORY NOTE: RCW 78.08.140 was repealed by 1979 ex.s. c 30 § 20. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 198. Section 5, chapter 45, Laws of 1899 and RCW 78.08.080 are each amended to read as follows:

If at any time the locator of any quartz or lode mining claim heretofore or hereafter located, or his assigns, shall learn that his original certificate was defective or that the requirements of the law had not been complied with before filing, or shall be desirous of changing his surface boundaries or of taking in any additional ground which is subject to location, or in any case the original certificate was made prior to the passage of this law, and he shall be desirous of securing the benefits of RCW 78.08.050 through ~~((78.08.140))~~ 78.08.115, such locator or his assigns may file an amended certificate of location, subject to the provisions of RCW 78.08.050 through ~~((78.08.140))~~ 78.08.115, regarding the making of new locations.

EXPLANATORY NOTE: RCW 78.08.140 was repealed by 1979 ex.s. c 30 § 20. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 199. Section 12, chapter 45, Laws of 1899 and RCW 78.08.115 are each amended to read as follows:

All locations of quartz or placer formations or deposits hereafter made shall conform to the requirements of RCW 78.08.050 through ~~((78.08.140))~~ 78.08.115 insofar as the same are respectively applicable thereto.

EXPLANATORY NOTE: RCW 78.08.140 was repealed by 1979 ex.s. c 30 § 20. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 200. Section 3, chapter 56, Laws of 1965 and RCW 79.01.618 are each amended to read as follows:

The department of natural resources shall have the authority to promulgate all reasonable rules and regulations necessary for carrying out the

mineral leasing provisions of RCW (~~(79.01.614)~~) 79.01.616 through 79.01-.650. Such rules and regulations shall be enacted under the provisions of chapter 34.04 RCW. The department may amend or rescind any rules or regulations promulgated under the provisions of this section. The department shall publish these rules and regulations in pamphlet form for the information of the public.

EXPLANATORY NOTE: RCW 79.01.614 was repealed by 1967 c 163 § 7. The RCW reference in this section has been amended to refer to the section numerically following the repealed section.

Sec. 201. Section 1, chapter 184, Laws of 1955 and RCW 79.08.170 are each amended to read as follows:

The duties of the county auditor in class AA and class A counties with regard to sales and leases of the state lands dealt with under Title 79 RCW except RCW 79.01.100, 79.01.104, (~~(79.01.436, 79.16.460;)~~) and (~~(79.48-170)~~) 79.94.040 are transferred to the county treasurer.

EXPLANATORY NOTE: (1) RCW 79.01.436 was repealed by 1982 1st ex.s. c 21 § 183, effective July 1, 1983. The reference to this section has been amended to refer to a later enactment, RCW 79.94.040, which contains the substance of the repealed section.

(2) RCW 79.16.460 and 79.48.170 were repealed by 1982 1st ex.s. c 21 § 183, effective July 1, 1983, and 1977 c 12 § 1, respectively. The references to these sections have been deleted.

Sec. 202. Section 2, chapter 85, Laws of 1923 and RCW 79.28.050 are each amended to read as follows:

The commissioner of public lands shall have the power to issue permits for the grazing of livestock on the lands described in RCW 79.28.040 in such manner and upon such terms, as near as may be, as permits are, or shall be, issued by the United States for the grazing of livestock on national forest reserve lands and for such fees as he shall deem adequate and advisable, and shall have the power to enter into such arrangements as may be deemed advisable and to cooperate with the officers of the United States having charge of the grazing of livestock on forest reserve lands for the protection and preservation of the grazing areas on the state lands contiguous to national forests and for the administration of the provisions of RCW 79.28.040 (~~(through 79.28.060)~~) and 79.28.050.

EXPLANATORY NOTE: RCW 79.28.060 was repealed by 1979 ex.s. c 109 § 23. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 203. Section 6, chapter 178, Laws of 1961 and RCW 79.64.060 are each amended to read as follows:

The board shall adopt such rules as it deems necessary and proper for the purpose of carrying out the provisions of RCW 79.64.010 through (~~(79-64.080)~~) 79.64.070.

EXPLANATORY NOTE: RCW 79.64.080 was repealed by 1967 ex.s. c 63 § 8. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 204. Section 7, chapter 178, Laws of 1961 and RCW 79.64.070 are each amended to read as follows:

If any provision of RCW 79.64.010 through ~~((79.64.080))~~ 79.64.070, or its application to any person or circumstance is held invalid, the remainder of RCW 79.64.010 through ~~((79.64.080))~~ 79.64.070, or the application of the provision to other persons or circumstances is not affected.

EXPLANATORY NOTE: RCW 79.64.080 was repealed by 1967 ex.s. c 63 § 8. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 205. Section 2, chapter 110, Laws of 1974 ex. sess. as last amended by section 13, chapter 371, Laws of 1977 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.

(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~~) 80.50.071, 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.

EXPLANATORY NOTE: RCW 80.50.070 was repealed by 1977 ex.s. c 371 § 19. The reference to this section has been amended to refer to a later enactment, RCW 80.50.071, which contains the substance of the repealed section.

Sec. 206. Section 81.24.050, chapter 14, Laws of 1961 and RCW 81.24.050 are each amended to read as follows:

In fixing the percentage rates of gross operating revenue to be paid by companies under RCW 81.24.010, 81.24.020, and 81.24.030 (~~and 81.24.040~~), the commission shall consider all moneys then in the public service revolving fund and the fees currently to be paid into such fund, to the end that the fees collected from the companies, or classes of companies, covered by each respective section shall be approximately the same as the reasonable cost of supervising and regulating such companies, or classes of companies, respectively.

EXPLANATORY NOTE: RCW 81.24.040 was repealed by 1981 c 13 § 6. The reference to this section has been deleted.

Sec. 207. Section 81.40.030, chapter 14, Laws of 1961 and RCW 81.40.030 are each amended to read as follows:

Each train or engine run in violation of RCW 81.40.010 (~~or 81.40.020~~) shall constitute a separate offense: PROVIDED, That nothing in RCW 81.40.010 (~~through~~) and 81.40.030 shall be construed as applying in the case of disability of one or more of any train crew while out on the road between division terminals, wrecking trains, or to any line, or part of line, where not more than two trains are run in each twenty-four hours.

Any person, corporation, company, or officer of court operating any railroad or railway, or part of any railroad or railway in the state of Washington, and engaged as a common carrier, in the transportation of freight or passengers, who shall violate any of the provisions of RCW 81.40.010 (~~through~~) and 81.40.030 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

It shall be the duty of the commission to enforce RCW 81.40.010 (~~through~~) and 81.40.030.

EXPLANATORY NOTE: RCW 81.40.020 was repealed by 1967 c 2 § 1. The reference to this section has been deleted.

Sec. 208. Section 81.44.050, chapter 14, Laws of 1961 and RCW 81.44.050 are each amended to read as follows:



The commission shall, as soon as practicable, after the taking effect of chapter 117, Laws of 1911, designate the number, dimensions, location and manner of application of the appliances provided for in RCW (~~81.44.030~~) 81.44.031 and 81.44.040, or such as may be prescribed by the commission, and shall give notice of such designation to all railroad companies and street railroad companies subject to the provisions of this title, by such means as the commission may deem proper, and thereafter such number, dimensions, location, and manner of application as designated by the commission shall remain as the standards of equipment to be used on all cars and locomotives subject to the provisions of this title. The commission shall have power to add to, change, or modify said standards of equipment at any time or to provide different standards under different circumstances and conditions: PROVIDED, That the commission may, upon full hearing, for good cause, extend the period within which any railroad or street railroad may comply with the provisions of RCW (~~81.44.030~~) 81.44.031 through 81.44.060 with respect to the equipment of locomotives or cars actually in service on the date of passage of chapter 117, Laws of 1911. The commission is hereby given authority to fix the time within which such modification or change shall become effective or obligatory. After the time so fixed it shall be unlawful to use any car, motor, or locomotive which does not comply with the standards so prescribed by the commission: PROVIDED, That when any car, motor, or locomotive shall have been properly equipped as provided in this title, and such equipment shall have become defective or insecure while such car, motor, or locomotive was being used by such railroad company upon its line of railroad, such car, motor, or locomotive may be hauled from the place where such equipment was first discovered to be defective or insecure to the nearest available point where such car, motor, or locomotive can be repaired, without liability for the penalties imposed herein if such movement is necessary to make such repairs, and such repairs cannot reasonably be made except at such repair point. Nothing in this proviso shall be construed to permit the hauling of defective cars by means of chains instead of drawbars in revenue trains, or in association with other cars that are commercially used, unless such defective cars contain livestock or perishable freight.

EXPLANATORY NOTE: RCW 81.44.030 was repealed by 1977 ex.s. c 263 § 3. The reference to this section has been amended to refer to a later enactment, RCW 81.44.031, which contains the substance of the repealed section.

Sec. 209. Section 81.44.060, chapter 14, Laws of 1961 and RCW 81-44.060 are each amended to read as follows:

It shall be unlawful for any railroad company or street railroad company to use or operate any car, motor, locomotive, or train that is defective, or any car, motor, locomotive, or train upon which any appliance, machinery, or attachment thereto belonging is defective, or to knowingly operate its train over any defective track, bridge, or other structure, excepting in cases

of emergency and under proper precautions: PROVIDED, That RCW ((~~81.44.030~~) 81.44.031 through 81.44.060 shall not apply to boarding and outfit cars when moved as work trains, or to trains consisting wholly of logging trucks or of logging trucks and a passenger car or caboose at the rear end thereof, or of logging trucks and not to exceed five freight cars at the rear end thereof.

EXPLANATORY NOTE: RCW 81.44.030 was repealed by 1977 ex.s. c 263 § 3. The reference to this section has been amended to refer to a later enactment, RCW 81.44.031, which contains the substance of the repealed section.

Sec. 210. Section 81.53.220, chapter 14, Laws of 1961 and RCW 81-53.220 are each amended to read as follows:

Whenever, to carry out any work ordered under RCW ((~~81.52.080 through 81.52.300 and 81.52.330 through 81.52.380~~) 81.53.010 through 81.53.281 and 81.54.010, it is necessary to erect and maintain posts, piers, or abutments in a highway, the right and authority to erect and maintain the same is hereby granted: PROVIDED, That, in case of a state highway the same shall be placed only at such points on such state highway as may be approved by the state ((~~director of highways~~) secretary of transportation and fixed after such approval by order of the commission.

EXPLANATORY NOTE: (1) RCW 81.52.080 through 81.52.300 and 81.52.330 through 81.52.380 were reenacted by 1961 c 14 as RCW 81.53.010 through 81.53.290; part of RCW 81.52.080 was reenacted as RCW 81.54.010. RCW 81.53.260 through 81.53.290 were subsequently repealed by 1969 c 134 § 9 and later enacted as RCW 81.53.261 through 81.53.281. The references to these sections have been amended to refer to their later enactments that contain the substance of the reenacted and repealed sections.

(2) Powers, duties, and functions of director of highways transferred to department of transportation; see RCW 47.01.031. Term "director of highways" means "secretary of transportation"; see RCW 47.04.015. Amendments to this effect are made herein.

Sec. 211. Section 48, chapter 26, Laws of 1967 ex. sess. as last amended by section 50, chapter 209, Laws of 1979 ex. sess. and RCW 82.03.190 are each amended to read as follows:

Any person having received notice of a denial of a petition or a notice of determination made under RCW 82.32.160(;) or 82.32.170((~~83.24.025; or 83.58.120~~)) may appeal, within thirty days from the date of the notice of such denial or determination, to the board of tax appeals. In the notice of appeal the taxpayer shall set forth the amount of the tax which he contends should be reduced or refunded and the reasons for such reduction or refund, in accordance with rules of practice and procedure prescribed by the board. The appeal shall be perfected by serving a copy of the notice of appeal upon the department of revenue within the time specified herein and by filing the original thereof with proof of service with the clerk of the board: PROVIDED, HOWEVER, That if the notice of appeal relates to an application made to the department of revenue under chapter 82.34 RCW, the taxpayer shall set forth the amount to which the taxpayer claims the credit or exemption should apply, and the grounds for such contention, in accordance

with rules of practice and procedure prescribed by the board. If the taxpayer intends that the hearing before the board be held pursuant to the administrative procedure act (chapter 34.04 RCW), the notice of appeal shall also so state. In the event that the notice of appeal does not so state, the department may, within ten days from the date of its receipt of the notice of appeal, file with the clerk of the board notice of its intention that the hearing be held pursuant to the administrative procedure act.

**EXPLANATORY NOTE:** Chapters 83.24 and 83.58 RCW were repealed by 1981 2nd ex.s. c 7 § 82.100.160. See RCW 83.100.900. The references to RCW 83.24.025 and 83.58.120 have been deleted.

Sec. 212. Section 82.04.290, chapter 15, Laws of 1961 as last amended by section 8, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, (~~82.04.275~~) and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of one percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

**EXPLANATORY NOTE:** RCW 82.04.275 was repealed by 1981 c 172 § 11. The reference to this section has been deleted.

Sec. 213. Section 82.04.300, chapter 15, Laws of 1961 as last amended by section 4, chapter 196, Laws of 1979 ex. sess. and RCW 82.04.300 are each amended to read as follows:

This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, (~~82.04.275~~), 82.04.280 and 82.04.290 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than one thousand dollars per month: PROVIDED, That where one person engages in more than one business activity and the combined measures of the tax applicable to such businesses equal or exceed one thousand dollars per month, no exemption or deduction from the amount of tax is allowed by this section.

Any person claiming exemption under the provisions of this section may be required to file returns even though no tax may be due: PROVIDED,

FURTHER, That the department of revenue may allow exemptions, by general rule or regulation, in those instances in which quarterly, semiannual, or annual returns are permitted. Exemptions for such periods shall be equivalent in amount to the total of exemptions for each month of a reporting period.

EXPLANATORY NOTE: RCW 82.04.275 was repealed by 1981 c 172 § 11. The reference to this section has been deleted.

NEW SECTION. Sec. 214. Section 82.04.420, chapter 15, Laws of 1961 and RCW 82.04.420 are each repealed.

EXPLANATORY NOTE: RCW 82.04.420 is an obsolete section of law recommended for repeal. The substantive provisions to which it refers were repealed by 1973 1st ex.s. c 218 § 29.

Sec. 215. Section 82.08.170, chapter 15, Laws of 1961 and RCW 82.08.170 are each amended to read as follows:

On the first day of the months of January, April, July and October of each year, the state treasurer shall make the apportionment and distribution of all moneys in the liquor excise tax fund to the counties, cities and towns in the following proportions: Twenty percent of the moneys in said liquor excise tax fund shall be divided among and distributed to the counties of the state in accordance with the provisions of RCW (~~43.66.100 as now existing or as hereafter amended~~) 66.08.200; eighty percent of the moneys in said liquor excise tax fund shall be divided among and distributed to the cities and towns of the state in accordance with the provisions of RCW (~~43.66.110 as now existing or as hereafter amended~~) 66.08.210.

EXPLANATORY NOTE: RCW 43.66.100 and 43.66.110 are now codified as RCW 66.08.200 and 66.08.210. The references in this section have been amended to reflect this change. The phrase "as now existing or as hereafter amended" is not needed because of the enactment of RCW 1.12.028 and is therefore deleted.

Sec. 216. Section 2, chapter 296, Laws of 1971 ex. sess. as last amended by section 1, chapter 163, Laws of 1980 and RCW 82.14.045 are each amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a class AA county pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, as now or hereafter amended, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the

terms of this chapter: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of (~~RCW 82.14.047~~;) section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax shall be one-tenth, two-tenths, or three-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax) except that in the case of a metropolitan municipal corporation created pursuant to chapter 35.58 RCW within a class AA county, the rate of such tax shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-tenths of one percent. The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2) (a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040 and/or 82.14.045, as now or hereafter amended, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045, as now or hereafter amended.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040 or 82.14.045, as now or hereafter amended.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273, as now or hereafter amended.

EXPLANATORY NOTE: RCW 82.14.047 was repealed by 1975 1st ex.s. c 270 § 28, effective July 1, 1975. The reference to this RCW section, but not its session law citation, has been deleted.

Sec. 217. Section 7, chapter 157, Laws of 1972 ex. sess. as amended by section 1, chapter 22, Laws of 1975 1st ex. sess. and RCW 82.24.260 are each amended to read as follows:

Any retailer who sells or otherwise disposes of any unstamped cigarettes other than (1) a federal instrumentality with respect to sales to authorized military personnel and (2) a federally recognized Indian tribal organization with respect to sales to enrolled members of the tribe shall collect from the buyer or transferee thereof the tax imposed on such buyer or transferee by RCW 82.24.020, 82.24.025, and 28A.47.440(~~(, and 73.32.130;)~~) and remit the same to the department after deducting from the tax collected the compensation he would have been entitled to under the provisions of this chapter(~~(;)~~) and RCW 28A.47.440 (~~and 73.32.130~~) if he had affixed stamps to the unstamped cigarettes. Such remittance shall be made at the same time and manner as remittances of the retail sales tax as required under chapters 82.08 and 82.32 RCW. In the event the retailer fails to collect the tax from the buyer or transferee, or fails to remit the same, the retailer shall be personally liable therefor, and shall be subject to the administrative provisions of RCW 82.24.230 with respect to the collection thereof by the department. The provisions of this section shall not relieve the buyer or possessor of unstamped cigarettes from personal liability for the tax imposed by RCW 82.24.020, 82.24.025, and 28A.47.440 (~~and 73.32.130~~).

Nothing in this section shall relieve a wholesaler or a retailer from the requirements of affixing stamps pursuant to RCW 82.24.040 and 82.24.050.

EXPLANATORY NOTE: RCW 73.32.130 was repealed by 1979 ex.s. c 59 § 3. The reference to this section has been amended to refer to a later enactment, RCW 82.24.025, which contains the substance of the repealed section.

Sec. 218. Section 82.26.100, chapter 15, Laws of 1961 and RCW 82.26.100 are each amended to read as follows:

Every distributor shall report and make returns as provided in RCW ((82.04.490 and as it may be amended)) 82.32.045. Every registered distributor outside of this state shall in like manner report and make returns.

EXPLANATORY NOTE: RCW 82.04.490 was repealed by 1981 c 7 § 4. The reference to this section has been amended to refer to a later enactment, RCW 82.32.045, which contains the substance of the repealed section. The phrase "as it may be amended" is not needed because of the enactment of RCW 1.12.028 and is therefore deleted.

Sec. 219. Section 82.32.010, chapter 15, Laws of 1961 as amended by section 12, chapter 148, Laws of 1981 and RCW 82.32.010 are each amended to read as follows:

The provisions of this chapter shall apply with respect to the taxes imposed under chapters 82.04 through ((82.28)) 82.27 RCW of this title and under RCW 84.33.071 in such manner and to such extent as indicated in each such chapter.

EXPLANATORY NOTE: Chapter 82.28 RCW was repealed by 1973 1st ex.s. c 218 § 29. The reference in this section has been amended to refer to the chapter numerically preceding the repealed chapter.

Sec. 220. Section 82.32.020, chapter 15, Laws of 1961 and RCW 82.32.020 are each amended to read as follows:

For the purposes of this chapter:

The meaning attributed in chapters 82.01 through ((82.28)) 82.27 RCW to the words and phrases "tax year," "taxable year," "person," "company," "gross proceeds of sales," "gross income of the business," "business," "engaging in business," "successor," "gross operating revenue," "gross income," "taxpayer," and "value of products" shall apply equally to the provisions of this chapter.

EXPLANATORY NOTE: Chapter 82.28 RCW was repealed by 1973 1st ex.s. c 218 § 29. The reference in this section has been amended to refer to the chapter numerically preceding the repealed chapter.

Sec. 221. Section 82.32.070, chapter 15, Laws of 1961 as amended by section 2, chapter 89, Laws of 1967 ex. sess. and RCW 82.32.070 are each amended to read as follows:

Every person liable for any fee or tax imposed by chapters 82.04 through ((82.28)) 82.27 RCW shall keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of any tax for which he may be liable, which records shall include copies of all federal income tax and state tax returns and reports made by him. All his books, records, and invoices shall be open for examination at any time by the department of revenue. In the case of an out-of-state person or concern which does not keep the necessary books and records within this state, it shall be sufficient if it produces within the state such books and records as shall be required by the department of revenue, or permits the examination by an agent authorized or designated by the department of revenue at the

place where such books and records are kept. Any person who fails to comply with the requirements of this section shall be forever barred from questioning, in any court action or proceedings, the correctness of any assessment of taxes made by the department of revenue based upon any period for which such books, records, and invoices have not been so kept and preserved.

Any person claiming a credit against the tax imposed by chapter 82.04 RCW by reason of the provisions of RCW 82.04.435 shall keep and preserve until the claim has been verified or allowed by the department of revenue sufficient books, records and invoices to prove the right to and amount of such claim for credit, and no such claim shall be allowed by the department of revenue unless such books, records and invoices have been kept and preserved.

EXPLANATORY NOTE: Chapter 82.28 RCW was repealed by 1973 1st ex.s. c 218 § 29. The reference in this section has been amended to refer to the chapter numerically preceding the repealed chapter.

Sec. 222. Section 82.32.300, chapter 15, Laws of 1961 as amended by section 90, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.300 are each amended to read as follows:

The administration of this and chapters 82.04 through ~~((82.28))~~ 82.27 RCW of this title is vested in the department of revenue which shall prescribe forms and rules of procedure for the determination of the taxable status of any person, for the making of returns and for the ascertainment, assessment and collection of taxes and penalties imposed thereunder.

The department of revenue shall make and publish rules and regulations, not inconsistent therewith, necessary to enforce their provisions, which shall have the same force and effect as if specifically included therein, unless declared invalid by the judgment of a court of record not appealed from.

The department may employ such clerks, specialists, and other assistants as are necessary. Salaries and compensation of such employees shall be fixed by the department and shall be charged to the proper appropriation for the department.

The department shall exercise general supervision of the collection of taxes and, in the discharge of such duty, may institute and prosecute such suits or proceedings in the courts as may be necessary and proper.

EXPLANATORY NOTE: Chapter 82.28 RCW was repealed by 1973 1st ex.s. c 218 § 29. The reference in this section has been amended to refer to the chapter numerically preceding the repealed chapter.

Sec. 223. Section 2, chapter 22, Laws of 1963 ex. sess. as last amended by section 225, chapter 158, Laws of 1979 and RCW 82.37.020 are each amended to read as follows:

The following words, terms, and phrases when used in this chapter have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:



(1) "Commercial motor vehicle" means any motor vehicle used or maintained for the transportation of persons for hire, or any vehicle designed, used or maintained primarily for the transportation of commodities, merchandise, produce, freight and animals.

(2) "Motor carrier" means and includes a natural person, individual, partnership, firm, association, or private or public corporation, which is engaged in interstate commerce and which operates or causes to be operated on any highway in this state any commercial motor vehicle.

(3) "Operations", when applied to a motor carrier, means operations of all commercial motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated into or out of or through this state.

(4) "Motor vehicle fuel" means gasoline or any other inflammable liquids, by whatsoever name such liquid may be known or sold, the use of which is as fuel for the propulsion of commercial motor vehicles except fuel as defined in chapter (~~(82.40)~~) 82.38 RCW.

(5) "Use" means and includes the consumption of motor vehicle fuel by any motor carrier in a commercial motor vehicle for the propulsion thereof upon the public highways of this state.

(6) "Motor vehicle fuel importer for use" means and includes any motor carrier importing motor vehicle fuel into this state in the fuel supply tank or tanks of any commercial motor vehicle for use in propelling said vehicle upon the highways of this state.

(7) "Public highways" means and includes every way, lane, road, street, boulevard, and every way or place open as a matter of right to public vehicular travel both inside and outside the limits of cities and towns.

(8) "Director" means the director of licensing.

EXPLANATORY NOTE: Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33. The reference to this chapter has been amended to refer to a later enactment, chapter 82.38 RCW, which contains the substance of the repealed chapter.

Sec. 224. Section 10, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.100 are each amended to read as follows:

As used in RCW 84.33.110 through (~~(84.33.150)~~) 84.33.140:

(1) "Forest land" is synonymous with timberland and means all land in any contiguous ownership of twenty or more acres which is primarily devoted to and used for growing and harvesting timber and means the land only.

(2) "Owner" means the party or parties having the fee interest in land, except where land is subject to a real estate contract "owner" means the contract vendee.

EXPLANATORY NOTE: RCW 84.33.150 was repealed by 1981 c 148 § 14. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 225. Section 16, chapter 294, Laws of 1971 ex. sess. and RCW 84-33.160 are each amended to read as follows:

Land approved for classification pursuant to RCW 84.28.020 (~~(or RCW 84.32.030)~~) prior to May 21, 1971 under chapter 84.28 RCW as reforestation lands (~~(or under chapter 84.32 RCW as forest lands)~~), and the timber on such lands, shall be assessed and taxed in accordance with the applicable provision of ~~((those))~~ chapter ~~((s))~~ 84.28 RCW and shall not be subject to this chapter ~~((, RCW 84.33.071))~~ and RCW 28A.41.130. However, after May 21, 1971, no additional land shall be classified under chapter 84.28 ~~((or 84.32))~~ RCW.

EXPLANATORY NOTE: (1) Chapter 84.32 RCW was repealed by 1972 ex.s. c 148 § 8. References to this chapter have been deleted.

(2) RCW 84.33.071 is included in the term "this chapter" since its recodification to chapter 84.33 RCW from RCW 82.04.291 by 1979 c 6 § 1 and is therefore deleted.

Sec. 226. Section 17, chapter 294, Laws of 1971 ex. sess. and RCW 84-33.170 are each amended to read as follows:

Notwithstanding any provision of this chapter ~~((or RCW 84.33.071))~~ to the contrary, this chapter shall not exempt from the ad valorem tax nor subject to the excise tax imposed by RCW 84.33.071, Christmas trees which are grown on land which has been prepared by intensive cultivation and tilling, such as by plowing or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising such Christmas trees, and such land on which such Christmas trees stand shall not be taxed as provided in RCW 84.33.100 through ~~((84-33-150))~~ 84.33.140.

EXPLANATORY NOTE: (1) RCW 84.33.071 is included in the term "this chapter" since its recodification in chapter 84.33 RCW from RCW 82.04.291 by 1979 c 6 § 1 and is therefore deleted.

(2) RCW 84.33.150 was repealed by 1981 c 148 § 14. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 227. Section 2, chapter 87, Laws of 1970 ex. sess. as amended by section 2, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.020 are each amended to read as follows:

As used in this chapter, unless a different meaning is required by the context:

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) retain in its natural state tracts of land not less than five acres situated in an urban area and open to public use on

such conditions as may be reasonably required by the legislative body granting the open space classification.

(2) "Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to the production of livestock or agricultural commodities for commercial purposes; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to the production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

(3) "Timber land" means land in any contiguous ownership of five or more acres which is devoted primarily to the growth and harvest of forest crops and which is not classified as reforestation land pursuant to chapter 84.28 RCW (~~(, or as land classified for deferred taxation under chapter 84.32 RCW)~~). Timber land means the land only.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the county assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" shall mean the contract vendee.

(6) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, shall be considered contiguous.

EXPLANATORY NOTE: Chapter 84.32 RCW was repealed by 1972 ex.s. c 148 § 8. The reference to this chapter has been deleted.

Sec. 228. Section 1, chapter 249, Laws of 1963 and RCW 84.40.031 are each amended to read as follows:

Based upon the study as directed by house concurrent resolution No. 10 of the thirty-seventh session of the legislature relating to the taxation of timber and timberlands, the legislature hereby establishes the criteria set forth in RCW 84.40.031 through (~~(84.40.035)~~) 84.40.033 as standards for the valuation of timber and timberlands for tax purposes.

EXPLANATORY NOTE: RCW 84.40.035 was repealed by 1971 ex.s. c 294 § 20. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 229. Section 2, chapter 249, Laws of 1963 and RCW 84.40.032 are each amended to read as follows:

As used in RCW 84.40.031 through (~~84.40.035~~) 84.40.033 "timberlands" means land primarily suitable and used for growing a continuous supply of forest products, whether such lands be cutover, selectively harvested, or contain merchantable or immature timber, and includes the timber thereon. Timberlands are lands devoted to reforestation within the meaning of Article VII, section 1 of the state Constitution as amended.

EXPLANATORY NOTE: RCW 84.40.035 was repealed by 1971 ex.s. c 294 § 20. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 230. Section 30, chapter 176, Laws of 1913 as last amended by section 9, chapter 46, Laws of 1923 and RCW 85.08.410 are each amended to read as follows:

At such hearing, which may be adjourned from time to time and from place to place, until finally completed, the board of county commissioners shall carefully examine and consider said schedule and any objections filed or made thereto and shall correct, revise, raise, lower, change or modify such schedule or any part thereof, or strike therefrom any property not benefited, or set aside such schedule and order that such apportionment be made de novo, as to such body shall appear equitable and just. The board shall cause the clerk of the board to enter on such schedule all such additions, cancellations, changes, modifications and reapportionments, all credits for damages allowed or awarded to the owner of any piece of property benefited, but not paid, as provided in RCW 85.08.200; also a credit in favor of the county on any apportionment against the county, of all sums paid on account of said improvement, as provided in RCW 85.08.210; and all sums allowed the county on account of services rendered by the county engineer or prosecuting attorney, as provided in RCW 85.08.360; and all credits allowed to property owners constructing crossings as provided in RCW (~~85-08.350~~) 85.08.340. When the board of county commissioners shall have finally determined that the apportionment as filed or as changed and modified by the board is a fair, just and equitable apportionment, and that the proper credits have been entered thereon, the members of the board approving the same shall sign the schedule and cause the clerk of the board to attest their signature under his seal, and shall enter an order on the journal approving the final apportionment and all proceedings leading thereto and in connection therewith, and shall levy the amounts so apportioned against the property benefited, and the determination by the board of county commissioners in fixing and approving such apportionment and making such levy shall be final and conclusive.

The board of county commissioners shall also at said hearing, levy, in the manner hereinafter provided for the levy of maintenance assessments, such assessment as they shall deem necessary to provide funds for the maintenance of the system of improvement until the first annual assessment for maintenance shall fall due.

EXPLANATORY NOTE: RCW 85.08.350 was decodified. The reference to this section has been amended to refer to RCW 85.08.340 which contains the session law contents of the decodified section.

Sec. 231. Section 2, chapter 125, Laws of 1975 1st ex. sess. and RCW 88.16.180 are each amended to read as follows:

Notwithstanding the provisions of RCW 88.16.070, any oil tanker, whether enrolled or registered, of fifty thousand deadweight tons or greater, shall be required to take a Washington state licensed pilot while navigating Puget Sound and adjacent waters and shall be liable for and pay pilotage rates pursuant to RCW (~~88.16.030 as now or hereafter amended~~) 88.16.035.

EXPLANATORY NOTE: RCW 88.16.030 was repealed by 1977 ex.s. c 337 § 17. The reference to this section has been amended to refer to a later enactment, RCW 88.16.035, which contains the substance of the repealed section. The phrase "as now or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

Passed the Senate January 18, 1983.

Passed the House January 28, 1982 [1983].

Approved by the Governor February 3, 1983.

Filed in Office of Secretary of State February 3, 1983.

## CHAPTER 4

[Senate Bill No. 3038]

### UTILITIES AND TRANSPORTATION COMMISSION—OBSOLETE REFERENCES CORRECTED

AN ACT Relating to state government; amending section 2, chapter 25, Laws of 1974 ex. sess. as amended by section 2, chapter 68, Laws of 1980 and RCW 18.27.090; amending section 4, chapter 130, Laws of 1913 and RCW 19.29.040; amending section 2, chapter 221, Laws of 1939 and RCW 19.90.020; amending section 12, chapter 221, Laws of 1939 and RCW 19.90.120; amending section 2, chapter 130, Laws of 1945 and RCW 54.04.100; amending section 81, chapter 255, Laws of 1927 and RCW 79.01.324; amending section 2, chapter 312, Laws of 1927 and RCW 79.36.240; amending section 5, chapter 312, Laws of 1927 and RCW 79.36.270; amending section 7, chapter 312, Laws of 1927 and RCW 79.36.280; amending section 80.08.105, chapter 14, Laws of 1961 and RCW 80.08.105; amending section 81.08.105, chapter 14, Laws of 1961 and RCW 81.08.105; and declaring an emergency.

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

Sec. 1. Section 2, chapter 25, Laws of 1974 ex. sess. as amended by section 2, chapter 68, Laws of 1980 and RCW 18.27.090 are each amended to read as follows:

This chapter shall not apply to:

(1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

(3) Public utilities operating under the regulations of the (~~public service~~) utilities and transportation commission in construction, maintenance, or development work incidental to their own business;

(4) Any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of a structure;

(6) Any construction, alteration, improvement, or repair of personal property;

(7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;

(8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than five hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than five hundred dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he is a contractor, or that he is qualified to engage in the business of contractor;

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor;

(12) Any person working on his own property, whether occupied by him or not, and any person working on his residence, whether owned by him or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his own property with the intention and for the purpose of selling the improved property;

(13) Owners of commercial properties who use their own employees to do maintenance, repair, and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his license;

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his sole compensation or as an employee with wages as his sole compensation;

(16) Contractors on highway projects who have been prequalified as required by chapter 13 of the Laws of 1961, RCW 47.28.070, with the ((highway)) department of transportation to perform highway construction, reconstruction, or maintenance work.

Sec. 2. Section 4, chapter 130, Laws of 1913 and RCW 19.29.040 are each amended to read as follows:

It shall be the duty of the ((~~public service commission~~ {~~director of labor and industries~~}) director of labor and industries of Washington to enforce all the provisions and rules of this chapter and ((~~it~~ {~~he~~}) the director is hereby empowered upon hearing to amend, alter and change any and all rules herein contained, or any part thereof, and to supplement the same by additional rules and requirements, after first giving reasonable public notice and a reasonable opportunity to be heard to all affected thereby: PROVIDED, That no rule amending, altering or changing any rule supplementary to the rules herein contained shall provide a less measure of safety than that provided by the rule amended, altered or changed.

A violation of any rule herein contained or of any rule or requirement made by the ((~~commission~~ {~~director of labor and industries~~}) director of labor and industries which it is hereby permitted to make shall be deemed a violation of this chapter.

Sec. 3. Section 2, chapter 221, Laws of 1939 and RCW 19.90.020 are each amended to read as follows:

It shall be unlawful for any person, engaged in the production, manufacture, distribution or sale of any article or product of general use or consumption, with the intent to destroy the competition of any regular established dealer in such article or product, or to prevent the competition of any person, who in good faith, intends and attempts to become such

dealer, to discriminate between different sections of the same community, city, town or village in this state, by selling or furnishing such article or product at a lower price in one such section than in another: PROVIDED, That nothing herein contained shall prevent differentials which make allowances for differences, if any, in the grade, quality or quantity when based and justified in the cost of manufacture, sale or delivery, or the actual cost of transportation from the point of production if a raw product or commodity, or from the point of manufacture if a manufactured product or commodity, or from the point of shipment to the point of destination: PROVIDED FURTHER, That nothing herein contained shall prevent a selection of customers or a functional classification by any person of any customer as broker, jobber, wholesaler or retailer or a differential in price for any article or product as between any customers in different functional classifications. Motion picture films when licensed for exhibition to motion picture houses shall not be deemed to be an article or product under this chapter. Neither shall anything in this chapter be deemed to apply to any service, article or product for which rates are established under the jurisdiction of the (~~department of public service~~) utilities and transportation commission of the state of Washington and which are sold or furnished by any public utility corporation, or installation and repair services rendered in connection with any services, article or products; or to any service, article or product sold or furnished by a publicly owned public utility and upon which the rates would have been established under the jurisdiction of the (~~department of public service~~) utilities and transportation commission of the state of Washington if such service, article or product had been sold or furnished by a public utility corporation, or installation and repair services rendered in connection with any such service, articles or products.

The inhibition of this chapter against locality discrimination shall embrace any scheme of special rebates, collateral contracts or any device of any nature whereby such discrimination is, in substance or fact, effected in violation of the spirit and intent of this section: PROVIDED, HOWEVER, That nothing in this section shall be construed to prohibit the meeting in good faith of a legal competitive price.

Sec. 4. Section 12, chapter 221, Laws of 1939 and RCW 19.90.120 are each amended to read as follows:

In any civil or criminal action proof of average over-all cost of doing business for any particular inventory period when added to the cost of production of each article or product, as to a producer, or invoice or replacement cost, whichever is lower, of each article or product, as to a distributor, shall be presumptive evidence of cost, and proof of transportation tariffs when fixed and approved by the (~~department of public service~~) utilities and transportation commission of the state of Washington shall be presumptive evidence of delivery cost, as to any article or product involved in any such action.



Sec. 5. Section 2, chapter 130, Laws of 1945 and RCW 54.04.100 are each amended to read as follows:

Whenever a decree of public use and necessity heretofore has been or hereafter shall be entered in condemnation proceedings conducted by a public utility district for the acquisition of electrical distribution properties, or whenever it has executed a contract for the purchase of such properties, the district may cause to be filed with the ~~((department of public service))~~ utilities and transportation commission a copy of such contract or a certified copy of the decree, together with a petition requesting that the ~~((department))~~ commission cause a rate to be filed with it for the sale of wholesale power to the district. Thereupon the ~~((department of public service))~~ utilities and transportation commission shall order that a rate be filed with the ~~((department))~~ commission forthwith for the sale of wholesale power to such district. The term "wholesale power" means electric energy sold for purposes of resale. The ~~((department))~~ commission shall have authority to enter such order as to any public service corporation which owns or operates the electrical distribution properties being condemned or purchased or as to any such corporation which owns or operates transmission facilities within a reasonable distance of such distribution properties and which engages in the business of selling wholesale power, pursuant to contract or otherwise. The rate filed shall be for the period of service specified by the district, or if the district does not specify a particular period, such rate shall apply from the commencement of service until the district terminates same by thirty days' written notice.

Upon reasonable notice, any such public service corporation shall furnish wholesale power to any public utility district owning or operating electrical distribution properties. Whenever a public service corporation shall furnish wholesale power to a district and the charge or rate therefor is reviewed by the ~~((department))~~ commission, such reasonable rate as the ~~((department))~~ commission finally may fix shall apply as to power thereafter furnished and as to that previously furnished under such charge or rate from the time that the complaint concerning the same shall have been filed by the ~~((department))~~ commission or the district, as the case may be.

Sec. 6. Section 81, chapter 255, Laws of 1927 and RCW 79.01.324 are each amended to read as follows:

Should the owner or operator of any private railroad, skid road, flume, canal, watercourse or other easement operating over lands acquired since the fifteenth day of June, 1911, or hereafter acquired, from the state, as in the previous sections provided, fail to agree with the state, or any grantee thereof, as to the reasonable and proper rules, regulations and charges, concerning the transportation of timber, mineral, stone, sand, gravel or other valuable materials, from lands contiguous to, or in proximity to, the lands over which such private railroad, skid road, flume, canal, watercourse or

other easement, is operated, for transporting or moving such valuable materials, the state, or such person, firm or corporation, owning and desiring to have such valuable materials transported or moved, may apply to the state (~~(department of public works)~~) utilities and transportation commission and have the reasonableness of the rules and regulations and charges inquired into, and it shall be the duty of the (~~(department of public works)~~) utilities and transportation commission to inquire into the same and it is hereby given the same power and authority to investigate the same as it is now authorized to investigate or inquire into the reasonableness of rules, regulations and charges made by railroad companies, and it is authorized and empowered to make any such order as it would make in an inquiry against a railroad company, and in case such private railroad, skid road, flume, canal, watercourse or easement, is not then in use, may make such reasonable, proper and just rules and regulations concerning the use thereof for the purposes aforesaid as may be just and proper, and such order shall have the same force and effect, and be binding upon the parties to such hearing, as though such hearing and order was made affecting a common carrier railroad.

Sec. 7. Section 2, chapter 312, Laws of 1927 and RCW 79.36.240 are each amended to read as follows:

Every grant, deed, conveyance, lease or contract hereafter made to any person, firm or corporation over and across any state lands for the purpose of right of way for any logging and/or lumbering railroad, private railroad, skid road, flume, canal, watercourse or other easement to be used in the hauling of timber, stone, mineral or other natural products of the land and the manufactured products thereof and all necessary machinery, supplies or materials to be used in transporting, cutting, manufacturing, mining or quarrying any or all of such products, shall be subject to the right of the state, or any grantee or successor in interest thereof, owning or hereafter acquiring from the state any timber, stone, mineral, or other natural products, or any state lands containing valuable timber, stone, mineral or other natural products of the land, of having such timber, stone, mineral or other natural products, and the manufactured products thereof and all necessary machinery, supplies or materials to be used in transporting, cutting, manufacturing, mining or quarrying any or all of such products transported or moved over such railroad, skid road, flume, canal, watercourse or other easement, after the same is or has been put in operation, upon paying therefor just and reasonable rates for transportation or for the use of such railroad, skid road, flume, canal, watercourse or other easement, and upon complying with just, reasonable and proper rules affecting such transportation, which rates, rules and regulations shall be under the supervision and control of the (~~(director of public works)~~) utilities and transportation commission of the state of Washington.

Sec. 8. Section 5, chapter 312, Laws of 1927 and RCW 79.36.270 are each amended to read as follows:

Should the owner or operator of any logging and/or lumbering railroad, private railroad, skid road, flume, canal, watercourse or other easement operating over lands hereafter acquired from the state, as in RCW 79.36.230 through 79.36.290 set out, fail to agree with the state or with any subsequent grantee or successor in interest thereof as to the reasonable and proper rules, regulations and charges concerning the transportation of timber, stone, mineral or other natural products of the land, or the manufactured products thereof and all necessary machinery, supplies or materials to be used in transporting, cutting, manufacturing, mining or quarrying any or all of such products for carrying and transporting such products or for the use of the railroad, skid road, flume, canal, watercourse or other easement in transporting such products, the state or such person, firm or corporation owning and desiring to ship such products may apply to the ~~((director of public works))~~ utilities and transportation commission and have the reasonableness of the rules, regulations and charges inquired into and it shall be the duty of the ~~((director of public works))~~ utilities and transportation commission to inquire into the same in the same manner, and ~~((he))~~ it is hereby given the same power and authority to investigate the same as ~~((he))~~ it is now authorized to investigate and inquire into the rules and regulations and charges made by railroads and is authorized and empowered to make such order as ~~((he))~~ it would make in an inquiry against a railroad, and in case such logging and/or lumbering railroad, private railroad, skid road, flume, canal, watercourse or other easement is not then in use, may make such reasonable, proper and just rules and regulations concerning the use thereof for the purposes aforesaid as may be just and proper and such order shall have the same force and effect and shall be binding upon the parties to such hearing as though such hearing and order was made affecting a railroad.

Sec. 9. Section 7, chapter 312, Laws of 1927 and RCW 79.36.280 are each amended to read as follows:

In case any person, firm or corporation owning and/or operating any logging and/or lumbering railroad, private railroad, skid road, flume, canal, watercourse or other easement subject to the provisions of RCW 79.36.230 through 79.36.290 shall fail to comply with any rule, regulation or order made by the ~~((director of public works))~~ utilities and transportation commission, after an inquiry as provided for in RCW 79.36.270, each person, firm or corporation shall be subject to a penalty not exceeding one thousand dollars, and in addition thereto, the right of way over state lands theretofore granted to such person, firm or corporation, and all improvements and structures on such right of way and connected therewith, shall revert to the state of Washington, and may be recovered by it in an action instituted in any court of competent jurisdiction, unless such state lands have been sold.

Sec. 10. Section 80.08.105, chapter 14, Laws of 1961 and RCW 80.08-.105 are each amended to read as follows:

All stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness issued by any public service company after chapter 151, Laws of 1933 takes effect, upon the authority of any articles of incorporation or amendments thereto or vote of the stockholders or directors filed, taken or had, or other proceedings taken or had, previous to the taking effect of chapter 151, Laws of 1933, shall be void, unless an order of the ((department)) commission authorizing the issuance of such stock or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidences of indebtedness shall have been obtained from the ((department)) commission prior to such issue; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the ((department)) commission and no defect in, or in connection with the application for or issuance of, such order shall render void any stock or stock certificate or other evidence of interest or ownership, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice. The ((department)) commission may by its order impose such condition or conditions as it may deem reasonable and necessary.

For the purposes of this section ((~~"department"~~)) "commission" shall mean the ((~~department of public works~~)) utilities and transportation commission or such body as shall have succeeded to the powers and duties thereof.

Sec. 11. Section 81.08.105, chapter 14, Laws of 1961 and RCW 81.08-.105 are each amended to read as follows:

All stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness issued by any public service company after chapter 151, Laws of 1933 takes effect, upon the authority of any articles of incorporation or amendments thereto or vote of the stockholders or directors filed, taken or had, or other proceedings taken or had, previous to the taking effect of chapter 151, Laws of 1933, shall be void, unless an order of the ((department)) commission authorizing the issuance of such stock or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidences of indebtedness shall have been obtained from the ((department)) commission prior to such issue; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the ((department)) commission and no defect in, or in connection with the application for or issuance of, such order shall render void any stock or stock certificate or other evidence of interest or ownership, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice. The ((department)) commission may by

its order impose such condition or conditions as it may deem reasonable and necessary.

For the purposes of this section (~~("department")~~) "commission" shall mean the (~~(department of public works)~~) utilities and transportation commission or such body as shall have succeeded to the powers and duties thereof.

**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.

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#### EXPLANATORY NOTE

The powers and duties of the department of public works, the department of public service, the department of public utilities, and the public service commission have devolved upon the utilities and transportation commission through a series of statutes as follows: 1935 c 8 § 1; 1945 c 267 §§ 1, 5, and 7; 1949 c 117 §§ 1, 3, and 8; and 1961 c 290 § 1. The purpose of this bill is to change the statutory references to these obsolete agencies to refer to the utilities and transportation commission.

Passed the Senate January 18, 1983.

Passed the House January 28, 1983.

Approved by the Governor February 3, 1983.

Filed in Office of Secretary of State February 3, 1983.

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### CHAPTER 5

[Senate Bill No. 3039]

#### CORRECTION OF STATE STATUTES

AN ACT Relating to the correction of state statutes; rearranging misplaced statutory material in the teachers' retirement laws; correcting a clerical error in the laws against discrimination; amending section 1, chapter 80, Laws of 1947 as last amended by section 6, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.32.010; amending section 5, chapter 259, Laws of 1981 and RCW 49.60.330; and declaring an emergency.

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

Sec. 1. Section 1, chapter 80, Laws of 1947 as last amended by section 6, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.32.010 are each amended to read as follows:

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.

(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 director 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 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.

(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 employer shall fix the value of that part of the compensation not paid in money: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit: PROVIDED FURTHER, 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 the member's 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;))~~ and shall include wages and salaries deferred under provisions established pursuant to sections 403(b) and 457 of the United States Internal Revenue Code, 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 retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation 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 be exempt 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 the individual shall only receive one month's service credit during any calendar month in which multiple service is rendered. 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 reserve fund.

(19) "Pension reserve fund" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(20) "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.

(21) "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.

(22) "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.

(23) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's 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.

(24) "Regular interest" means such rate as the director may determine.

(25) (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.

(26) "Retirement system" means the Washington state teachers' retirement system.



(27) (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 the individual shall only receive one month's service credit during any calendar month in which multiple service is rendered.

(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.

When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

Notwithstanding RCW 41.32.240, teachers covered by RCW 41.32.755 through 41.32.825, who render service need not serve for ninety days to obtain membership so long as the required contribution is submitted for such ninety-day period. Where a member did not receive service credit under RCW 41.32.775 through 41.32.825 due to the ninety-day period in RCW 41.32.240 the member may receive service credit for that period so long as the required contribution is submitted for the period. Anyone entering membership on or after October 1, 1977, and prior to July 1, 1979, shall have until June 30, 1980, to make the required contribution in one lump sum.

(28) "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.

(29) "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.

(30) "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.

(31) "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.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "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.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Retirement board" means the board of trustees provided for in RCW 41.32.040.

Sec. 2. Section 5, chapter 259, Laws of 1981 and RCW 49.60.330 are each amended to read as follows:

Any city classified as a first class city under RCW 35.01.010 with over one hundred twenty five thousand population may enact ordinances consistent with this chapter to provide administrative remedies for any form of discrimination (~~prescribed~~) proscribed by this chapter: PROVIDED, That the imposition of such administrative remedies shall be subject to judicial review.

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 January 18, 1983.

Passed the House January 28, 1983.

Approved by the Governor February 3, 1983.

Filed in Office of Secretary of State February 3, 1983.

## CHAPTER 6

[Engrossed Substitute House Bill No. 20]

### CONGRESSIONAL REDISTRICTING AND REAPPORTIONMENT— CONGRESSIONAL REDISTRICTING COMMISSION

AN ACT Relating to congressional reapportionment and redistricting; adding a new section to chapter 34.04 RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that a federal three judge court in Doph v. Munro et al., United States District Court No. C82-

233T, declared the Washington Legislature's 1982 Congressional Redistricting Plan, chapter 2, Laws of 1982, unconstitutional under Article I, section 2, of the United States Constitution and the court has directed that "The legislature shall adopt a constitutional redistricting plan within ninety (90) days after the 1983 regular session begins."

The legislature further recognizes its responsibility under Article XXVII, section 13 of the Washington state Constitution which requires that the legislature apportion and district anew and divide the state into congressional districts, according to the number of inhabitants.

**NEW SECTION.** Sec. 2. The definitions set forth in this section apply throughout this chapter, unless the context requires otherwise.

- (1) "Chief election officer" means the secretary of state.
- (2) "Federal census" means the decennial census required by federal law to be prepared by the United States bureau of the census in 1980.
- (3) "Lobbyist" means an individual required to register with the Washington public disclosure commission pursuant to RCW 42.17.150.
- (4) "Plan" means a plan for congressional redistricting.
- (5) "Political party office" means any elected or appointed office in any major or minor political party having a candidate on the ballot during any of the last two general elections, excluding the office of party precinct committeeperson.

(6) "Public office" means any elected or appointed office in the executive, judicial, or legislative branch or in any agency, commission, or organization of the federal, state, or local government.

**NEW SECTION.** Sec. 3. A congressional redistricting commission shall be established within five days after the effective date of this act to provide for the apportionment and redistricting of this state into congressional districts. The five-member commission shall be appointed as follows:

- (1) The legislative leaders of the two largest political parties in each house of the legislature shall appoint one person.
- (2) The four appointees, by an affirmative vote of at least three, shall appoint the fifth person who shall be a nonvoting member of the commission and serve as chairman.
- (3) If three of the four appointees fail to select a fifth appointee within twelve days after the effective date of this act pursuant to subsection (2) of this section, the supreme court is required to appoint the fifth person within nineteen days after the effective date of this act. If a fifth person is not appointed within nineteen days after the effective date of this act, then on and after such date the commission membership shall be limited to four persons and these four shall select a chairman from among their own number.
- (4) A vacancy on the commission shall be filled by the person or persons who made the initial appointment, or the successor of the person or persons making the original appointment, within two days after the vacancy occurs.

(5) If any commission member fails to attend three commission meetings without being excused by the chairman prior to the meetings, then at the conclusion of the third meeting, the member shall cease to be a commission member. The vacancy shall be filled as provided in subsection (4) of this section.

NEW SECTION. Sec. 4. (a) No person may be appointed to the commission who:

- (1) Is not a registered voter of the state at the time of the selection;
- (2) Holds or has held public office or political party office within one year prior to selection;
- (3) Is a relative of or is employed by a member of the state house of representatives or the state senate;
- (4) Is or has within one year prior to selection been a registered lobbyist; or
- (5) Has been directly involved in the Doph v Munro lawsuit or the preparation of C 2, L1982 (SHB 787).

(b) No person while a member of the commission may:

- (1) Hold or campaign for public or political party office while a member of the commission; or
- (2) Actively participate in any political campaign of any candidate for state or federal elective office while a member of the commission.

NEW SECTION. Sec. 5. (a) No person may be employed by the commission who:

- (1) Holds or has held public office or political party office within one year prior to selection;
- (2) Is a relative of or is employed by a member of the state house of representatives or the state senate; or
- (3) Is or has within one year prior to selection been a registered lobbyist; or
- (4) Has been directly involved in the Doph v Munro lawsuit or the preparation of C 2, L1982 (SHB 787).

(b) No person while an employee of the commission may:

- (1) Hold or campaign for public or political party office while an employee of the commission; or
- (2) Actively participate in any political campaign of any candidate for state or federal elective office while an employee of the commission.

NEW SECTION. Sec. 6. (1) The commission shall provide for the development of and shall adopt a plan dividing the state into congressional districts. It shall select a competent person or persons to prepare such plan.

(2) The commission may employ the services of experts, consultants, and support staff, including attorneys not employed by the attorney general, as necessary to carry out its duties pursuant to this chapter. The chief election officer, the treasurer, and the attorney general shall make available to

the commission such personnel, facilities, and other assistance as the commission may reasonably request.

(3) The commission, upon written request by a witness and subject to rules promulgated by the commission, may reimburse witnesses for their necessary expenses incurred in appearing before the commission.

(4) The legislature shall appropriate funds to enable the commission to carry out its duties. Members shall receive one hundred dollars of compensation for each day spent in the performance of their duties. Compensation of employees shall be determined by the commission. The provisions of RCW 43.03.050 and 43.03.060 shall apply to both the members and the employees of the commission.

NEW SECTION. Sec. 7. In addition to other duties prescribed by law, the commission shall:

(1) Adopt such bylaws and procedures as are convenient for carrying out this act. These rules and procedures shall provide that a majority of the voting members of the commission must be present to constitute a quorum to do business, and that the affirmative vote of three of the voting members is required for any official action of the commission;

(2) Act as the legislature's recipient of redistricting data and maps. Upon receipt of the data and maps, the commission shall promptly provide copies to the secretary of the senate and chief clerk of the house of representatives;

(3) Comply with requirements to disclose and preserve public records as specified in chapters 40.14 and 42.17 RCW;

(4) Hold open meetings pursuant to the open public meetings act, chapter 42.30 RCW;

(5) Prepare and disclose its minutes pursuant to RCW 42.32.030;

(6) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report shall include but shall not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries.

NEW SECTION. Sec. 8. (1) The commission plan shall provide for districts which have populations as nearly equal as is practicable, excluding nonresident military personnel and their dependents, based on the population reported in the federal decennial census.

(2) To the extent consistent with subsection (1) of this section, the commission plan should, insofar as practical, accomplish the following:

(a) District lines should be drawn so as to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest. The number of counties and municipalities divided among more than one district should be as small as possible.

(b) Districts should be composed of convenient, contiguous, and compact territory. Land areas may be deemed contiguous if they share a common land border or are connected by a ferry, highway, bridge, or tunnel. Areas separated by unbridged water should be considered contiguous to the nearest land area only where necessary to comply with the other criteria enumerated in the Constitution and this section. Areas which only share common borders at the points of adjoining corners should not be deemed contiguous. Areas separated by geographical boundaries or artificial barriers that prevent transportation within a district should not be deemed contiguous.

(c) Whenever practicable, a precinct shall be wholly within a single congressional district.

(3) No district may be drawn for the purpose of favoring any political party, incumbent representative, or other person or group.

(4) No district may be drawn for the purpose of diluting the voting strength of any language or racial minority group.

NEW SECTION. Sec. 9. (1) The commission shall adopt the redistricting plan, with the approval of three of the voting members of the commission, within thirty days after the effective date of this act. Within two days after date of adoption, it shall submit the plan, in bill form, to the legislature.

(2) After submission of the plan by the commission, the legislature shall have the next fifteen days to adopt or amend the commission's plan. If the legislature amends the commission's plan, the legislature's amendment shall be approved by an affirmative vote in each house of two-thirds of the members of that house. The amendment shall not affect more than one percent of the population of any congressional district contained in the commission's plan.

(3) The plan as approved by the legislature shall be in force until the effective date of the plan based upon the next succeeding federal decennial census.

(4) If three of the voting members of the commission fail to approve and submit a plan within the time limitations provided in subsection (1) of this section or the legislature fails to enact the bill within the time limits in subsection (2) of this section, the federal court retaining jurisdiction is requested to adopt a plan by April 10, 1983.

NEW SECTION. Sec. 10. (1) Following the period provided by section 9 of this act for the adoption of a plan, the commission shall take all necessary steps to conclude its business and cease operations. The commission shall prepare a financial statement disclosing all expenditures made by the

commission. The official record shall contain all relevant information developed by the commission pursuant to carrying out its duties under this chapter, data collected, minutes of meetings, written communications, and other information of a similar nature. The commission shall provide for the permanent preservation of this official record. Once the commission ceases to exist, any budget surplus shall revert to the state general fund.

(2) The commission shall cease to exist forty-five days after the date established by section 9 of this act for submission of a plan to the legislature.

NEW SECTION. Sec. 11. There is added to chapter 34.04 RCW a new section to read as follows:

The provisions of this chapter 34.04 RCW do not apply to the temporary commission created under this 1983 act.

NEW SECTION. Sec. 12. This act is temporary in nature and need not be codified in the Revised Code of Washington. Any plans adopted under this act shall be codified in the Revised Code of Washington.

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 February 3, 1983.

Passed the Senate February 3, 1983.

Approved by the Governor February 9, 1983.

Filed in Office of Secretary of State February 9, 1983.

## CHAPTER 7

[Engrossed Senate Bill No. 3258]

### SALES AND USE TAX INCREASES—BOAT TAX—ADMINISTRATIVE PROVISIONS—REVENUE ACCRUAL ACCOUNT

AN ACT Relating to revenue and taxation; amending section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.255; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 212, chapter 3, Laws of 1983 and RCW 82.04.290; amending section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 2, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.04.2901; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 8, Laws of 1981 2nd ex. sess. and RCW 82.12.020; amending section 31, chapter 35, Laws of 1982 1st ex. sess. as amended by section 1, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.02.030; amending section 84.36.080, chapter 15, Laws of 1961 and RCW 84.36.080; amending section 84.36.090, chapter 15, Laws of 1961 and RCW 84.36.090; amending section 82.48.020, chapter 15, Laws of 1961 as last amended by section 240, chapter 158, Laws of 1979 and RCW 82.48.020; amending section 82.48-.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.030; amending section 82.32.090, chapter 15, Laws of 1961 as last amended by section 8, chapter 172, Laws of 1981 and RCW 82.32.090; adding a new chapter to Title 82 RCW; adding a new chapter to Title 88 RCW; adding new sections to chapter 82.48 RCW; adding new sections to chapter 82.04 RCW; adding a new section to

chapter 82.32 RCW; creating new sections; prescribing penalties; making appropriations; providing effective dates; and declaring an emergency.

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

**\*Sec. 1. Section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04-.255 are each amended to read as follows:**

***Upon every person engaging within the state as a real estate broker, as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ((one)) two percent.***

***The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.***

\*Sec. 1 was vetoed, see message at end of chapter.

**\*Sec. 2. Section 82.04.290, chapter 15, Laws of 1961 as last amended by section 212, chapter 3, Laws of 1983 and RCW 82.04.290 are each amended to read as follows:**

***Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ((one)) two percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.***

\*Sec. 2 was vetoed, see message at end of chapter.

**NEW SECTION.** Sec. 3. There is added to chapter 82.04 RCW a new section to read as follows:

As used in RCW 82.04.2901 and 82.08.020, "border counties" means:



(1) Those counties physically bordering on or included within a standard metropolitan statistical area, as determined by the United States census bureau, located wholly or partially in a state which does not impose a retail sales tax; and

(2) Those counties physically bordering both on a state which does not impose a retail sales tax and a county specified in subsection (1) of this section but lying to the east of the counties specified in subsection (1) of this section.

**\*NEW SECTION. Sec. 4.** *There is added to chapter 82.04 RCW a new section to read as follows:*

(1) *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 under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive, an additional tax equal to thirty-two percent multiplied by the tax payable under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive.*

(2) *There is also levied and shall be collected from every person for the act or privilege of engaging in the business activity of making sales at retail which are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261 or 82.08.0262, as a part of the tax imposed under RCW 82.04.250, an additional tax equal to thirty-two percent multiplied by the tax payable on those activities under RCW 82.04.250.*

(3) *To facilitate collection of these additional taxes, 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, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.*

\*Sec. 4 was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 5.** *Section 3, chapter 130, Laws of 1975-'76 2d ex. sess. as last amended by section 2, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.04.2901 are each amended to read as follows:*

*From and after the first day of April, 1982, (~~until and including the thirtieth day of June, 1983,~~) there is levied and shall be collected from every person, other than persons taxed under section 4 of this 1983 act, 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,~~) 82.04.250, an additional tax equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under the provisions of RCW (~~82.04.220 through 82.04.290, inclusive,~~) 82.04.250: PROVIDED, That such tax shall be levied and collected from such persons making sales at retail in border counties in an amount equal to thirty-two percent multiplied by the tax payable under the provisions of RCW 82.04.250.*

*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, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.*

\*Sec. 5 was vetoed, see message at end of chapter.

Sec. 6. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths ~~((four and one-half))~~ percent of the selling price ~~((: PROVIDED, That from and after the first day of December, 1981, until and including the thirtieth day of April, 1982, such tax shall be levied and collected in an amount equal to five and five tenths percent of the selling price. PROVIDED FURTHER, That from and after the first day of May, 1982, until and including the thirtieth day of June, 1983, such tax shall be levied and collected in an amount equal to the rate specified in RCW 82.02.030 multiplied by the selling price))~~: PROVIDED, That such tax shall be levied and collected in border counties in an amount equal to five and four-tenths percent of the selling price.

(2) The tax imposed under this chapter shall apply to successive retail sales of the same property.

(3) The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 7. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 8, Laws of 1981 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 RCW 82.12.0252, 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 in effect for the retail sales tax under RCW 82.08.020, as now or hereafter amended, in the county in which the article is used.

Sec. 8. Section 31, chapter 35, Laws of 1982 1st ex. sess. as amended by section 1, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.02.030 are each amended to read as follows:

(1) ~~((Until and including the day before the change date, the rate of the sales and use taxes under RCW 82.08.020 shall be five and four-tenths percent and the rate of the additional taxes under RCW 48.14.020(3), 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.08.150(4), 82.16.020(2), 82.20.010(2), 82.24.020(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be four percent:~~

~~(2) From and after the change date until and including the thirtieth day of June, 1983, the rate of tax shall be as follows:~~

~~(a) The rate of sales and use taxes under RCW 82.08.020 shall be five and four-tenths percent and~~) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), 82.20.010(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be seven percent: PROVIDED, That the additional tax imposed by RCW 82.44.020(5) shall be continued at the rate of three percent for the period July 1 through September 30, 1983;

~~((b))~~ (2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent;

~~((c))~~ (3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent; and

~~((d))~~ (4) The rate of the additional taxes under RCW 48.14.020(3) shall be four percent.

~~((3) "Change date" for the taxes under RCW 48.14.020(3), 54.28.020(2), 54.28.025(2), 82.04.2901, 82.16.020(2), and 82.29A.030(2) means July 1, 1982, for the taxes under RCW 82.08.020, 82.08.150(4), 82.20.010(2), 82.24.020(2), 82.26.020(2), 82.45.060(2), 66.24.210(2), and 66.24.290(2) means August 1, 1982, and for the taxes under RCW 82.27.020(5) and 82.44.020(5) means October 1, 1982.))~~

NEW SECTION. Sec. 9. An excise tax is imposed for the privilege of using a vessel for which registration is required under chapter 88. RCW (sections 14 through 22 of this act), except vessels covered by a dealer's registration number under this chapter. The annual amount of the excise tax is one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater.

The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under section 18 of this act. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. The excise tax on vessels required to be registered in this state on the effective date of this section shall be paid by June 30, 1983.

NEW SECTION. Sec. 10. The excise tax imposed under this chapter is due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until the tax is paid in full.

The excise tax collected under this chapter shall be deposited in the general fund.

NEW SECTION. Sec. 11. The department of revenue shall prepare at least once each year a depreciation schedule for use in the determination of fair market value for the purposes of this chapter. The schedule shall be based upon information available to the department of revenue pertaining to the current fair market value of vessels. The fair market value of a vessel for the purposes of this chapter shall be based on the most recent purchase price depreciated according to the year of the most recent purchase of the vessel. The most recent purchase price is the consideration, whether money, credit, rights, or other property expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the vessel.

NEW SECTION. Sec. 12. (1) If a vessel has been acquired by lease or gift, or the most recent purchase price of a vessel is not known to the owner, the department of revenue shall appraise the vessel before registration.

(2) If after registration the department of revenue determines that the purchase price stated by the owner is not a reasonable representation of the true fair market value of a vessel at the time of purchase, the department of revenue shall appraise the vessel.

(3) If a vessel is homemade, the owner shall make a notarized declaration of fair market value. The fair market value of the vessel for the purposes of this chapter shall be the declared value, unless after registration the department of revenue determines that the declared value is not a reasonable representation of the true fair market value of the vessel in which case the department of revenue shall appraise the vessel.

(4) If the department of revenue appraises a vessel, the fair market value of the vessel for the purposes of this chapter shall be the appraised value. If the vessel has been registered before appraisal, the department of revenue

shall refund any overpayment of tax to the owner or notify the owner of any additional tax due. The owner shall pay any additional tax due within thirty days after notification by the department.

**NEW SECTION.** Sec. 13. (1) Any vessel owner disputing an appraised value under section 12 of this act may petition for a conference with the department as provided under RCW 82.32.160, or for reduction of the tax due as provided under RCW 82.32.170.

(2) Any vessel owner having received a notice of denial of a petition or a notice of determination made for the owner's vessel under RCW 82.32.160 or 82.32.170 may appeal to the board of tax appeals as provided under RCW 82.03.190. In deciding a case appealed under this section, the board of tax appeals may require an independent appraisal of the vessel. The cost of the independent appraisal shall be apportioned between the department and the vessel owner as provided by the board.

**NEW SECTION.** Sec. 14. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(2) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(3) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling vessels at wholesale or retail in this state.

(4) "Department" means the department of licensing.

**NEW SECTION.** Sec. 15. Except as provided in this chapter, no person may own or operate any vessel on the waters of this state unless the vessel has been registered and displays a registration number and a valid decal in accordance with this chapter.

**NEW SECTION.** Sec. 16. Vessel registration is required under this chapter except for the following:

(1) Vessels owned and operated by the United States, another state, or a political subdivision thereof;

(2) Vessels owned and operated by this state, or by any municipality or political subdivision thereof;

(3) Vessels owned by a resident of a country other than the United States or Canada if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state or a Canadian province if the vessel is registered in accordance with the laws of the state or province in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for

vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state or a Canadian province and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) Vessels used as a ship's tender or lifeboat;

(6) Vessels under sixteen feet in length or whose primary propulsion is human power;

(7) Vessels which are temporarily in this state undergoing repair or alteration and vessels which are designed and used exclusively for racing;

(8) Vessels used exclusively for commercial fishing purposes; and

(9) Vessels which have or are required to have a valid marine document as a vessel of the United States and which are primarily engaged in commerce.

NEW SECTION. Sec. 17. The department shall provide for the issuance of vessel registrations and may appoint agents for collecting fees and issuing registration numbers and decals. Fees for vessel registrations collected by the director shall be deposited in the general fund.

NEW SECTION. Sec. 18. Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of six dollars per year and the excise tax imposed under chapter 82. RCW (sections 9 through 13 of this act). Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the six-dollar annual registration fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be affixed to the vessel in a manner prescribed by the department. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee and excise tax. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for

transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

**NEW SECTION.** Sec. 19. (1) Each dealer of vessels in this state shall register with the department in the manner and upon forms prescribed by the department. Upon receipt of a dealer's application for registration and the registration fee provided in subsection (2) of this section, the dealer shall be registered and a registration number assigned.

(2) The registration fee for dealers shall be twenty-five dollars per year, and the fee shall cover all vessels owned by the dealer for sale and not rented on a regular commercial basis by the dealer. Rented vessels shall be registered separately under sections 15 through 18 of this act.

(3) Dealer registration numbers are nontransferable.

(4) Section 15 of this act does not apply to any dealer or employee or prospective customer of the dealer with respect to any vessel covered by the dealer's registration number and used for a business purpose of the dealer, such as a demonstration vessel or for purposes of testing or making repairs.

**NEW SECTION.** Sec. 20. The department may adopt rules under chapter 34.04 RCW to implement this chapter.

**NEW SECTION.** Sec. 21. Any person charged with the enforcement of this chapter may request for inspection the certificate of registration from any vessel owner or operator to ascertain the legal and registered ownership of such vessel. Failure to provide such certificate for inspection upon the request of any person charged with enforcement of this chapter constitutes a violation of this chapter and subjects the person requested to produce such document to the penalties provided by section 22 of this act.

**NEW SECTION.** Sec. 22. (1) A violation of this chapter is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(a) For the second violation, a fine of two hundred dollars per vessel;

(b) For the third and successive violations, a fine of four hundred dollars per vessel.

(2) Moneys collected under this section shall be used by the jurisdiction collecting the fine exclusively for law enforcement purposes.

(3) All law enforcement officers shall have the authority to enforce this chapter within their respective jurisdictions.

Sec. 23. Section 84.36.080, chapter 15, Laws of 1961 and RCW 84.36-.080 are each amended to read as follows:

All ships and vessels (~~taxable in the state of Washington, engaged in interstate commerce, foreign commerce or commerce between ports of the state of Washington and the high seas,)~~ which are exempt from excise tax under subsections (8) and (9) of section 16 of this 1983 act shall be and are

hereby made exempt from all ad valorem taxes, except taxes levied for any state purpose.

Sec. 24. Section 84.36.090, chapter 15, Laws of 1961 and RCW 84.36.090 are each amended to read as follows:

All ships and vessels (~~(taxable in the state)~~), other than those (~~(taxable)~~) partially exempt under RCW 84.36.080 and those described in RCW 84.36.079, are exempt from all ad valorem taxes (~~(except taxes levied for any state purpose and twenty percent of taxes levied for all other purposes)~~).

NEW SECTION. Sec. 25. Property taxes paid for a vessel for 1983 shall be allowed as a credit against tax due under section 9 of this act for the same vessel.

NEW SECTION. Sec. 26. Sections 14 through 22 of this act shall constitute a new chapter in Title 88 RCW. Sections 9 through 13 of this act shall constitute a new chapter in Title 82 RCW.

Sec. 27. Section 82.48.020, chapter 15, Laws of 1961 as last amended by section 240, chapter 158, Laws of 1979 and RCW 82.48.020 are each amended to read as follows:

An annual excise tax is hereby imposed for the privilege of using any aircraft in the state. A current certificate of air worthiness with a current inspection date from the appropriate federal agency and/or the purchase of aviation fuel shall constitute the necessary evidence of aircraft use or intended use. The tax shall be collected for each calendar year by the director of licensing, and must be paid during the month of January, except that the tax for 1983 is due on the effective date of this 1983 section. No additional tax shall be imposed under this chapter upon any aircraft upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such aircraft has already been paid for the year in which transfer of ownership occurs. (~~(A penalty of five dollars shall be levied against all aircraft not timely registered)~~) A violation of this chapter is a misdemeanor punishable as provided in chapter 9A.20 RCW.

*\*Sec. 28. Section 82.48.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.030 are each amended to read as follows:*

*The amount of the tax imposed by this chapter for each calendar year or part thereof shall be (~~(fifteen dollars for each single engine aircraft, and twenty-five dollars for each multi-engine aircraft, irrespective of make, type, year of manufacture or any other type of classification)~~) one percent of the fair market value of the aircraft as determined under this chapter; **PROVIDED, That the calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon an aircraft registered for the first time in this state after the last day of any***



*month shall only be levied for the remaining months of the calendar year including the month in which the aircraft is being registered: PROVIDED FURTHER, That the minimum amount payable shall be three dollars.*

*An aircraft shall be deemed registered for the first time in this state when such aircraft was not previously registered by this state for the year immediately preceding the year in which application for registration is made.*

*\*Sec. 28 was vetoed, see message at end of chapter.*

*\*NEW SECTION. Sec. 29. There is added to chapter 82.48 RCW a new section to read as follows:*

*After consultation with the department of licensing, the department of revenue shall prepare at least once each year a schedule for use in the collection of the excise tax imposed under this chapter. The schedule shall be based upon available information pertaining to the fair market value of aircraft. Aircraft shall be classified into a convenient number of classes on the basis of price, make, type, year of manufacture, or any other reasonable basis, and the rate of tax prescribed in RCW 82.48.030 shall be applied to the value of aircraft within the classes as thus determined. In determining fair market value, the department of revenue may use any guidebook, report, or compendium of recognized standing in the aircraft industry. The schedule shall show, so far as possible, the amount of excise tax for aircraft within each class and shall sufficiently describe the aircraft included within each class to enable the department of licensing and its agents to ascertain readily the amount of tax applicable to any particular aircraft.*

*\*Sec. 29 was vetoed, see message at end of chapter.*

*\*NEW SECTION. Sec. 30. There is added to chapter 82.48 RCW a new section to read as follows:*

*Whenever a person applies for a registration for an aircraft which does not appear on the schedule, the applicant shall apply to the county assessor of the applicant's county for computation of the amount of excise tax due. Upon application, the assessor shall appraise the aircraft at its fair market value based on any guidebook, report, or compendium of recognized standing in the aircraft industry, ascertain the amount of excise tax by applying to the appraisal the rate of the tax under this chapter, and give the applicant a certificate showing the excise tax due under this chapter.*

*\*Sec. 30 was vetoed, see message at end of chapter.*

*\*NEW SECTION. Sec. 31. Taxes paid under chapter 82.48 RCW before June 30, 1983, for calendar year 1983 shall be allowed as a credit against tax due under RCW 82.48.030 for the same aircraft.*

*\*Sec. 31 was vetoed, see message at end of chapter.*

*Sec. 32. Section 82.32.090, chapter 15, Laws of 1961 as last amended by section 8, chapter 172, Laws of 1981 and RCW 82.32.090 are each amended to read as follows:*

If payment of any tax due is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the tax is payable, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the fiscal year which includes the month preceding the month in which such due date falls. Effective June 30, 1985, and thereafter if the payment of any tax is received during the first ~~((twenty-five))~~ ten days in the month in which the tax is payable, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the fiscal year which includes the month preceding the month in which such due date falls.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than five dollars.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

NEW SECTION. Sec. 33. There is added to chapter 82.32 RCW a new section to read as follows:

The revenue accrual account is hereby created in the state general fund. At the close of each fiscal biennium, the state treasurer shall transfer the balance in the state general fund to this account. Moneys in this account may only be spent after appropriation by statute for the purpose of decreasing the unfunded liability of a state retirement system.

NEW SECTION. Sec. 34. This act shall not be construed as affecting any existing right acquired, or liability or obligation incurred under the sections amended in this act, nor any rule, regulation, or order adopted, nor any proceeding instituted, under those sections.

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. (1) The sum of twelve thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the department of revenue for the biennium ending June 30, 1983, to

carry out the purposes of sections 9 through 25, and 27 through 31 of this act.

(2) The sum of two hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1983, to the department of licensing for the purposes of sections 9 through 25 of this act.

**NEW SECTION.** Sec. 37. 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 March 1, 1983, except as follows:

(1) Sections 9 through 22, and 25 through 31 of this act shall take effect June 30, 1983.

(2) Sections 23 and 24 of this act shall take effect January 1, 1984, for taxes first due in 1984 and thereafter.

The department of revenue and the department of licensing shall immediately take necessary steps to ensure that all sections of this act are properly implemented on their effective dates. The additional taxes and tax rate changes imposed under this act shall take effect on the dates designated in this act notwithstanding the date this act becomes law under Article III, section 12 of the state Constitution.

Passed the Senate February 18, 1983.

Passed the House February 18, 1983.

Approved by the Governor February 22, 1983, with the exception of sections 1, 2, 4, 5, 28, 29, 30, and 31, which are vetoed.

Filed in Office of Secretary of State February 22, 1983.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to Sections 1, 2, 4, 5, 28, 29, 30, and 31 Senate Bill 3258, entitled:

"AN ACT relating to revenue and taxation."

My primary emphasis in examining this bill has been to review its likely impacts on jobs, economic development, and the future of our state. On analysis, parts of this bill, if enacted, would result in the loss of existing jobs and in disincentives to the creation of desperately needed new jobs.

Taken together, Sections 1, 2, 4, and 5 would permanently increase the business and occupation (B&O) tax on services by 100 percent, would permanently increase the B&O tax on most retailers by 7 percent, and would permanently increase the B&O tax on non-retailers and on some retailers by 32 percent. Such increases in B&O taxes at a time when the economy is slow can only be justified by a compelling state need. In my opinion, there is such a compelling need during the remainder of this biennium. Because we have so little time to make up a shortfall in what is already a lean revenue year, taxes for the remainder of this biennium necessarily must be steep. For that reason, I am requesting the legislature to reenact the same tax increases, but on a temporary basis only, so that they expire on June 30, 1983.

But the case has not been made that such increases are justified on a permanent basis. Indeed, the more compelling case is that these permanent tax increases would discourage efforts both to create new jobs during this period of profound unemployment and to recover from the hardest economic times in half a century.

They were adopted with little of the thoroughness that usually accompanies the process of establishing biennial revenues. The biennial budget, which ordinarily provides the justification for needed revenues, is only in the early stages of legislative review. In my opinion, any new B&O taxes to be collected in the next biennium must be justified both by being part of an equitable tax package and by a demonstrated need for the overall revenues that the package is expected to produce. I have not been provided with such justifications.

In a similar vein, there needs to be more review of the aircraft excise tax newly imposed by sections 28 through 31 of the bill. A tax of one percent of the value of an airplane, paid each year, is a marked increase compared with the engine tax now imposed. It should not be adopted without a review both of the impact that it would have on businesses that use airplanes and of the possibility that airplane owners would, as a result, register their planes elsewhere.

I have repeatedly stated the perils of trying to pass a single tax package that appropriately meets the revenue needs for both this and the next biennium. This bill is testament to those perils. I urge the legislature to divide the tasks and pass immediately those increases necessary to meet the needs for this biennium. Then we can address the remaining taxes and the budget that are appropriate for the next biennium.

For these reasons I have vetoed sections 1, 2, 4, 5, 28, 29, 30, and 31."

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## CHAPTER 8

[House Bill No. 61]

### TIMBER TAX ACCOUNTS—REVENUE TRANSFER

AN ACT Relating to revenue transfers among timber tax accounts; amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 6, chapter 4, Laws of 1981 and RCW 84.33.080; and declaring an emergency.

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

Sec. 1. Section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 6, chapter 4, Laws of 1981 and RCW 84.33.080 are each amended to read as follows:

(1) On or before December 15 of each year commencing with 1972, 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 and thereafter	80%

On or before December 31 of each year commencing with 1972, 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, 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, on the twentieth day of the second month of each calendar quarter commencing February 20, 1975 (~~and ending November 20, 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) Funds in the state timber tax reserve account may be appropriated by the legislature for the support of the common schools, and for activities undertaken by the department of revenue forest tax division and for the activities undertaken by the department of natural resources relating to classification of lands as required by this chapter. 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 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.

(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.

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 January 31, 1983.

Passed the Senate February 16, 1983.

Approved by the Governor February 23, 1983.

Filed in Office of Secretary of State February 23, 1983.

## CHAPTER 9

[Engrossed House Bill No. 1075]

### BUSINESS AND OCCUPATION TAX—TEMPORARY INCREASES—CERTAIN BUSINESSES

AN ACT Relating to revenue and taxation; amending section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.255; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 212, chapter 3, Laws of 1983 and RCW 82.04.290; amending section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 2, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.04.2901; adding new sections to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04-.255 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((one))~~ two percent until and including June 30, 1983, and one percent thereafter.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: **PROVIDED, HOWEVER,** That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: **AND PROVIDED FURTHER,** That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

Sec. 2. Section 82.04.290, chapter 15, Laws of 1961 as last amended by section 212, chapter 3, Laws of 1983 and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04-.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((one))~~ two percent

until and including June 30, 1983, and one percent thereafter. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

NEW SECTION. Sec. 3. There is added to chapter 82.04 RCW a new section to read as follows:

(1) 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 under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive, an additional tax equal to thirty-two percent multiplied by the tax payable under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive.

(2) There is also levied and shall be collected from every person for the act or privilege of engaging in the business activity of making sales at retail which are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261 or 82.08.0262, as a part of the tax imposed under RCW 82.04.250, an additional tax equal to thirty-two percent multiplied by the tax payable on those activities under RCW 82.04.250.

(3) To facilitate collection of these additional taxes, 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, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

(4) This section shall expire July 1, 1983.

Sec. 4. Section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 2, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.04.2901 are each amended to read as follows:

From and after the first day of April, 1982, until and including the thirtieth day of June, 1983, there is levied and shall be collected from every person, other than persons taxed under section 3 of this 1983 act, 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,~~) 82.04.250, an additional tax equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under the provisions of RCW (~~82.04.220 through 82.04.290, inclusive,~~) 82.04.250: PROVIDED, That such tax shall be levied and collected from such persons making sales at retail in border



counties in an amount equal to thirty-two percent multiplied by the tax payable under the provisions of RCW 82.04.250.

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, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

NEW SECTION. Sec. 5. There is added to chapter 82.04 RCW a new section to read as follows:

For purposes of RCW 82.04.2901 and 82.08.020, where a retail sale occurs shall be determined under RCW 82.14.020.

NEW SECTION. Sec. 6. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended in this act, nor any rule, regulation, or order adopted nor any proceeding instituted under those sections.

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 March 1, 1983. The additional taxes and tax rate changes imposed under this act shall take effect on the dates designated in this act notwithstanding the date this act becomes law under Article III, section 12 of the state Constitution.

Passed the House February 23, 1983.

Passed the Senate February 23, 1983.

Approved by the Governor February 23, 1983.

Filed in Office of Secretary of State February 23, 1983.

## CHAPTER 10

[House Bill No. 147]

### HOMICIDE—STATUTE OF LIMITATIONS LENGTHENED

AN ACT Relating to homicide; amending section 9A.32.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.010; and declaring an emergency.

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

Sec. 1. Section 9A.32.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.010 are each amended to read as follows:

Homicide is the killing of a human being by the act, procurement or omission of another, death occurring within three years and a day, and is

either (1) murder, (2) manslaughter, (3) excusable homicide, or (4) justifiable homicide.

**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 10, 1983.

Passed the Senate February 18, 1983.

Approved by the Governor February 24, 1983.

Filed in Office of Secretary of State February 24, 1983.

## CHAPTER 11

[Engrossed Senate Bill No. 3120]

### PORT COMMISSIONERS—OFFICE VACANCIES—APPOINTMENT PROCEDURES

AN ACT Relating to port commissioners; amending section 8, chapter 17, Laws of 1959 as amended by section 8, chapter 175, Laws of 1959 and RCW 53.12.150; and declaring an emergency.

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

Sec. 1. Section 8, chapter 17, Laws of 1959 as amended by section 8, chapter 175, Laws of 1959 and RCW 53.12.150 are each amended to read as follows:

~~((In the event of))~~ A vacancy in the office of port commissioner created by death, resignation, or otherwise, ((such vacancy)) shall be filled as follows: ~~((at the next general election, the vacancy in the interim to be filled by appointment by a majority vote of the remaining port commissioners.~~

~~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, county commissioners of the county shall within fifteen days of such vacancies make appointments to fill the vacancies ad interim through the next general election:))~~

(1) If there are simultaneously such number of vacancies that less than a majority of the full number of commissioners fixed by law remain in office, the legislative authority of the county shall within fifteen days of such vacancies appoint the number of commissioners necessary to provide a majority. The commissioners thus appointed, together with any remaining commissioners, shall then, within fifteen days of their appointment, meet and appoint the number of commissioners needed to complete the board of commissioners. However, if they fail to fill the remaining vacancies within this fifteen-day period, the legislative authority of the county shall make the necessary appointments.

(2) If a majority of the full number of commissioners fixed by law remains on the board, the remaining commissioners shall fill any vacancies.

However, if they fail to fill any vacancy within fifteen days of its occurrence, or within 15 days after the effective date of this 1983 act, the legislative authority of the county shall make the necessary appointment.

(3) Appointments made pursuant to this section shall be ad interim to the next general election.

**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 February 2, 1983.

Passed the House March 8, 1983.

Approved by the Governor March 10, 1983.

Filed in Office of Secretary of State March 10, 1983.

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## CHAPTER 12

[Engrossed Second Substitute Senate Bill No. 3100]

### SUPPLEMENTAL BUDGET—1981-1983 FISCAL BIENNIUM

AN ACT Relating to state agencies; amending section 14, chapter 340, Laws of 1981 as last amended by section 11, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 84, chapter 340, Laws of 1981 as last amended by section 59, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 4, chapter 33, Laws of 1982 1st ex. sess. as amended by section 67, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 30, chapter 340, Laws of 1981 as amended by section 29, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 125, chapter 340, Laws of 1981 as last amended by section 101, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 47, chapter 340, Laws of 1981 as amended by section 41, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 48, chapter 340, Laws of 1981 as last amended by section 31, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 80, chapter 340, Laws of 1981 as last amended by section 56, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 87, chapter 340, Laws of 1981 as last amended by section 72, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 92, chapter 340, Laws of 1981 as last amended by section 74, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 16, chapter 143, Laws of 1981 (uncodified); amending section 123, chapter 136, Laws of 1981 as last amended by section 84, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 42, chapter 137, Laws of 1981 as last amended by section 85, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); creating new sections; making appropriations; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. A supplemental budget as set forth in sections 2 through 31 of this 1983 act is hereby adopted and, subject to the provisions set forth in this 1983 act, the several amounts specified in sections 2 through 31 of this 1983 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 and projects for the fiscal biennium beginning July 1, 1981, and ending June 30,

1983, except as otherwise provided, out of the several funds of the state hereinafter named, and making other appropriations.

**NEW SECTION.** Sec. 2. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation . . . . . \$ 4,939,000

The appropriation in this section is subject to the following condition or limitation: \$61,000 of the appropriation is provided solely for the temporary congressional redistricting commission established pursuant to chapter 6, Laws of 1983.

**NEW SECTION.** Sec. 3. FOR THE SENATE

General Fund Appropriation . . . . . \$ 3,016,000

**NEW SECTION.** Sec. 4. FOR THE SUPREME COURT

General Fund—Judiciary Education Account  
Appropriation . . . . . \$ 479,000

**NEW SECTION.** Sec. 5. FOR THE COURT OF APPEALS

General Fund—Judiciary Education Account  
Appropriation . . . . . \$ 98,000

**NEW SECTION.** Sec. 6. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—Judiciary Education Account  
Appropriation . . . . . \$ 123,000

*\*Sec. 7. Section 14, chapter 340, Laws of 1981 as last amended by section 11, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:*

**FOR THE GOVERNOR—SPECIAL APPROPRIATIONS**

General Fund Appropriation—State . . . . . \$ 112,515,000  
General Fund Appropriation—Federal . . . . . \$ 20,446,000  
Special Fund Salary and Insurance Contribution  
Increase Revolving Fund Appropriation . . . . . \$ 40,972,000  
Total Appropriation . . . . . \$ 173,933,000

*The appropriations in this section are subject to the following conditions and limitations:*

*(1) A maximum of \$2,126,000 is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency: PROVIDED, That \$100,000 of this amount is provided solely for costs related to flood clean-up activities on or around Lake Whatcom: PROVIDED FURTHER, That \$150,000 of this amount is transferred to the organized crime prosecution revolving fund.*

*(2) (a) A maximum of \$100,984,000 of general fund moneys (including \$15,284,000 in federal funds) may be expended to implement salary increases, effective October 1, 1981, averaging 7.5% for higher education classified*

*employees and 7.2% for commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board); and effective June 30, 1983, a salary increase averaging 7.0% for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board): PROVIDED, That the October 1, 1981, salary increase for higher education classified employees and state personnel board classified and exempt employees shall implement the salary ranges adopted by the higher education and state personnel boards resulting from the 1980 salary survey (catch-up results): PROVIDED, That increases granted in this subsection for higher education faculty and administrative exempt employees are inclusive of increments: PROVIDED FURTHER, That exclusive of merit pool and Washington state university (143) increase funds no higher education institution or community college district may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.*

*(b) A maximum of \$29,851,000 of general fund moneys (including \$5,162,000 in federal funds) may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$22,339,000 of this amount (including \$3,947,000 in federal funds) may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$7,512,000 of this amount (including \$1,215,000 in federal funds) may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee.*

*(c) A maximum of \$31,440,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect salary increases for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher*

*education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board) calculated in accordance with the procedures outlined in subsection (2)(a) of this section.*

*(d) A maximum of \$9,532,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$7,289,000 of this amount may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$2,243,000 of this amount may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee. Any moneys resulting from a dividend or refund attributable to the experience of an insurance or health care plan calculated at the end of the contract year shall not be used to increase employee insurance benefits over the level of services provided on April 20, 1982.*

*(e) 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 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 financial management.*

*(f) Notwithstanding any other provision of this subsection (2), Walla Walla community college may fund additional actual increments or their equivalents in salaries for each year of the biennium to equalize salaries to the state-wide average salaries as reflected by the average base salary of the annually contracted professional personnel of the Washington community colleges.*

Sec. 7. was vetoed, see message at end of chapter.

<u>NEW SECTION.</u> Sec. 8. FOR THE LIEUTENANT GOVERNOR	
General Fund Appropriation .....	\$ 30,000
<u>NEW SECTION.</u> Sec. 9. FOR THE SECRETARY OF STATE	
General Fund Appropriation .....	\$ 617,000
<u>NEW SECTION.</u> Sec. 10. FOR THE STATE ACTUARY	
General Fund Appropriation .....	\$ 30,000

The appropriation in this section is subject to the following condition or limitation: The appropriation is provided solely to hire an executive search consultant for the purpose of employing a new state actuary.

<u>NEW SECTION.</u> Sec. 11. FOR THE DEPARTMENT OF PERSONNEL	
Department of Personnel Service Fund Appropriation .....	\$ 80,000

NEW SECTION. Sec. 12. FOR THE BOARD OF ACCOUNTANCY  
 General Fund Appropriation . . . . . \$ 33,000

NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF NATURAL RESOURCES  
 General Fund—Forest Development Account  
     Appropriation . . . . . \$ 53,000  
 General Fund Appropriation . . . . . \$ 413,000  
     Total Appropriation . . . . . \$ 466,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$313,000 of the general fund appropriation is provided solely for costs associated with department of corrections honor camp residents in work-related activities.

(2) \$100,000 of the general fund appropriation is provided solely for costs related to flood clean-up activities on or around Lake Whatcom.

*\*Sec. 14. Section 84, chapter 340, Laws of 1981 as last amended by section 59, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:*

**FOR THE DEPARTMENT OF AGRICULTURE**

**General Fund Appropriation—State . . . . . \$ 8,015,000**  
**General Fund Appropriation—Federal . . . . . \$ 777,000**  
**General Fund—Feed and Fertilizer Account**  
     **Appropriation . . . . . \$ 29,000**  
**Fertilizer, Agricultural, Mineral and Lime Fund**  
     **Appropriation . . . . . \$ 358,000**  
**Commercial Feed Fund Appropriation—State . . . . . \$ 311,000**  
**Commercial Feed Fund Appropriation—Federal . . . . . \$ 22,000**  
**Seed Fund Appropriation . . . . . \$ 913,000**  
**Nursery Inspection Fund Appropriation . . . . . \$ 270,000**  
**Grain and Hay Inspection Fund Appropriation . . . . . \$ 17,278,000**  
     **Total Appropriation . . . . . \$ 27,973,000**

*The appropriations in this section are subject to the following conditions ((or)) and limitations:*

*(1) A maximum of \$13,000 of the general fund—state appropriation shall be expended for starling control.*

*(2) The department of agriculture shall not expend any state general fund moneys for the aerial spraying of hard chemicals over cities with a population over 140,000 persons located in a county with a population over 450,000 persons.*

*\*Sec. 14. was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF LICENSING

General Fund—Architects' License Account  
 Appropriation ..... \$ 110,000

NEW SECTION. Sec. 16. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service  
 Fund Appropriation ..... \$ 40,000

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF ECOLOGY

General Fund—Reclamation Revolving Account  
 Appropriation ..... \$ 50,000

The appropriation in this section is provided for a grant to the federal bureau of reclamation to promote the Columbia River Basin Project and to observe the fiftieth anniversary of the beginning of the construction of the Grand Coulee Dam.

Sec. 18. Section 4, chapter 33, Laws of 1982 1st ex. sess. as amended by section 67, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated for the biennium ending June 30, 1983, the sum of ~~((twenty-four))~~ one hundred twenty-two thousand dollars, or so much thereof as may be necessary, from the state general fund ~~((~~PROVIDED~~, That up to an additional ninety-eight thousand dollars from the state general fund may be expended if each dollar is matched by funds from private sources;))~~ to be used by the committee for the purpose of carrying out the provisions of sections 1 through 3 of this act. Upon completion of the study, any residual general fund state funds shall revert to the general fund.

NEW SECTION. Sec. 19. FOR THE STATE TREASURER—  
 FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for distribution under federal Public Law 97-99. Fifty percent of these moneys shall be allocated to local school districts according to a formula developed by the superintendent of public instruction and fifty percent of the moneys shall be allocated to counties for the benefit of public roads according to a formula developed by the state department of transportation ..... \$ 197,000

Sec. 20. Section 30, chapter 340, Laws of 1981 as amended by section 29, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:



FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution .....	\$	((4,360,000))
		<u>4,184,000</u>
General Fund Appropriation for refund of deferred property tax .....	\$	((123,000))
		<u>223,000</u>
General Fund Appropriation for public utility district excise tax distribution .....	\$	((13,205,000))
		<u>16,063,000</u>
General Fund Appropriation for prosecuting attorneys' salaries .....	\$	1,449,000
General Fund Appropriation for motor vehicle excise tax distribution .....	\$	((55,332,000))
		<u>46,209,000</u>
General Fund Appropriation for local mass transit assistance .....	\$	98,779,000
General Fund Appropriation for camper and travel trailer excise tax distribution .....	\$	((1,940,000))
		<u>1,482,000</u>
General Fund Appropriation for local fire protection costs .....	\$	720,000
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution .....	\$	728,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution .....	\$	((20,357,000))
		<u>20,505,000</u>
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution .....	\$	((172,480,000))
		<u>160,314,000</u>
Liquor Revolving Fund Appropriation for liquor profits distribution .....	\$	((53,600,000))
		<u>56,000,000</u>
State Timber Tax Account 'A' Appropriation for distribution to "Timber" counties .....	\$	((17,570,000))
		<u>17,985,000</u>
State Timber Tax Reserve Account Appropriation for distribution to "Timber" counties .....	\$	((46,870,000))
		<u>44,445,000</u>
<u>General Fund—Municipal Sales and Use Tax</u> <u>Account for equalization distribution .....</u>	<u>\$</u>	<u>4,333,000</u>

General Fund—County Sales and Use Tax

Account for equalization distribution . . . . .	\$	2,621,000
Total Appropriation . . . . .	\$	<del>((487,513,000))</del> 476,040,000

Sec. 21. Section 125, chapter 340, Laws of 1981 as last amended by section 101, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund . . . . .	\$	8,000
General Fund—Criminal Justice Training Account Appropriation: For transfer to the general fund on or before June 30, 1983, an amount up to \$1,100,000 . . . . .	\$	1,100,000
General Fund—Investment Reserve Account Appropriation: For transfer to the general fund on or before June 29, 1983, pursuant to chapter 50, Laws of 1969 . . . . .	\$	40,000,000
Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the Washington state patrol during the period July 1, 1981, through June 30, 1983 . . . . .	\$	3,000,000
Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the utilities and transportation commission for the 1981–1983 biennium to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, and 81.53.291 . . . . .	\$	697,000
Motor Vehicle Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund . . . . .	\$	40,000
State Treasurer's Service Fund Appropriation: For transfer to the general fund on or before July 20, 1983, an amount up to <del>\$((17,794,000))</del> <u>18,292,000</u> in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1984, for credit to the fiscal year in which earned . . . . .	\$	<del>((17,794,000))</del> <u>18,292,000</u>

Teachers' Retirement Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund.....	\$	2,572,000
General Fund—Trust Land Purchase Account Appropriation: For transfer to the general fund on or before June 30, 1983, an amount up to \$1,028,000 in excess of the cash requirements in the Trust Land Purchase Account, as determined by the office of financial management .....	\$	1,028,000
General Fund Appropriation: For transfer to the law enforcement officers' and fire fighters' retirement system: PROVIDED, That the amount transferred shall not exceed the additional interest which would have been earned by the system if the amounts appropriated in section 34, chapter 340, Laws of 1981 had been transferred to the system quarterly .....	\$	((22,000,000))
		<u>17,181,000</u>

General Fund Appropriation: For transfer to the teachers' retirement system: PROVIDED, That the amount transferred shall not exceed the additional interest which would have been earned by the system if the amounts appropriated in section 93, chapter 340, Laws of 1981 had been transferred to the system quarterly ..... \$ 4,819,000

Sec. 22. Section 47, chapter 340, Laws of 1981 as amended by section 41, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

The appropriations made by this act to the department of social and health services are subject to the following conditions and limitations:

(1) The department of social and health services shall not initiate any new services which will incur general fund state expenditures beyond those authorized by appropriation.

(2) Funds appropriated by this act to the department of social and health services shall be allotted and expended reflecting the legislative intent of this act. Within the specific limitations in this act, the department of social and health services may modify allotments after the initial three months of the biennium with the approval of the office of financial management in consultation with the committees on ways and means of the senate and

house of representatives(~~(: PROVIDED, That because substantial uncertainty continues to exist as to actual federal revenues available to the department of social and health services and because major changes in federal entitlement programs affecting income maintenance, community social services, and medical assistance programs may have significant effects on caseloads and expenditures in those programs, allotment modifications may include transfers between programs in sections 49, 50, 51, 53, 54, and 55 of chapter 340, Laws of 1981~~)). Transfers between or within programs may occur notwithstanding any limitation, condition, or proviso in sections 49 through 59, chapter 340, Laws of 1981 as amended by chapter 14, Laws of 1981 2nd ex. sess.; chapter 50, Laws of 1982 1st ex. sess.; and chapter 11, Laws of 1982 2nd ex. sess. Each transfer must maximize services provided under all programs, taking into account actual program workloads.

(3) The department of social and health services may seek and receive additional federal funds not included in this act, subject to approval of the office of financial management, provided that such funding does not require additional expenditure of state funds.

(4) In anticipation of significant reductions in federal support for social service, public health, and Title XIX programs, the legislature has reduced the state's dependency on federal entitlement programs within the income maintenance, medical assistance, and social service programs. However, additional federal reductions may require further reductions to all human service programs. To ensure that the loss of federal funds does not result in an accelerated expenditure of state funds, the following requirements are placed on the department of social and health services:

~~((a))~~ The department shall prepare a contingency expenditure plan to reflect anticipated loss of federal funds. This contingency plan shall include necessary program changes and a redefinition of services or eligibility criteria which will not require expenditures in excess of any appropriation provided in this act. The contingency plan shall be transmitted to the legislature upon completion and at least ten days before implementation.

Sec. 23. Section 48, chapter 340, Laws of 1981 as last amended by section 31, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

**(1) COMMUNITY SERVICES**

General Fund Appropriation . . . . . \$ 42,299,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$13,918,000 is provided solely to contract with nonprofit corporations to provide diversionary programs and operate and/or contract for work/training release for convicted felons: PROVIDED, That \$999,000 of

this appropriation is provided solely for pre-trial diversion and the continuation of the alternatives to street crime programs in Snohomish, Pierce and Clark counties. Such funds shall be distributed to the counties in a timely manner: PROVIDED FURTHER, That \$375,000 of this appropriation is provided solely for the continuation of 50 work/training release beds at the Progress House Association of Tacoma.

(b) \$2,419,000 is provided solely for intensive parole.

(c) \$21,519,000 is provided solely for probation and parole.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation . . . . . \$ ((149,390,000))  
149,339,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The department of corrections shall present to the legislature by October 12, 1981, a comprehensive institutional educational policy. This report shall explain the basis for selection of educational programs and participation and shall outline program and payment policies for contracting for educational services. The report shall include, but is not limited to, a detailing by month for each institution of the programs, program goals, staffing, costs per offering, and actual and estimated inmate participation.

(b) It is the intent of the legislature that custody staff at adult correctional institutions not be reduced below the levels existing on June 1, 1982.

(c) It is the assumption of the legislature that the appropriation in this subsection initially provides:

(i) \$24,731,000 for the Washington Corrections Center, excluding funds related to court orders under Hoptowit v. Ray, No. 79-359 (E. D. Wash.);

(ii) \$38,312,000 for the Washington State Penitentiary, excluding funds relating to court orders under Hoptowit v. Ray, No. 79-359 (E. D. Wash.);

(iii) \$1,010,000 for the Monroe mental health unit;

(iv) \$24,990,000 for the Washington State Reformatory;

(v) \$8,269,000 for the Purdy Treatment Center for Women;

(vi) \$20,816,000 for the McNeil Island Penitentiary;

(vii) \$9,090,000 for the Special Offenders Center;

(viii) Funds for other costs associated with honor camps and the Pine Lodge Corrections Center.

(3) PROGRAM SUPPORT

General Fund Appropriation . . . . . \$ ((13,646,000))  
13,156,000

General Fund—Institutional Impact Account

Appropriation . . . . . \$ 525,000

Total Appropriation . . . . . \$ ((14,171,000))

13,681,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$500,000 is provided solely for individual legal services. There shall be no solicitation of legal action and all informal means of resolving disputes shall be utilized. These funds shall not be used to support class action litigation.

(b) \$2,902,000 is provided solely for costs directly resulting from the decision in Hoptowit v. Ray, No. 79-359 (E. D. Wash.): PROVIDED, That no expenditure of funds may be made without the signature of the agency's assistant attorney general on the authorizing document.

(c) \$1,557,000 for fiscal year 1982 and \$4,902,000 for fiscal year 1983 are provided solely to address population overrun in excess of current bed capacity. Such funds shall be released only with the approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

(d) \$~~(1,079,000)~~ 589,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(4) Funds may be transferred from program support to institutional services for costs associated with Hoptowit v. Ray, No. 79-359 (E. D. Wash.), and population overruns to the extent provided for in this section.

(5) The department of corrections shall in conjunction with the office of financial management and the committees on ways and means of the senate and house of representatives develop staff-to-inmate ratios or a system of post assignment for each correctional unit by August 1, 1981. By September 1, 1981, a written report on proposed staffing levels shall be presented to the legislature comparing this staffing to prior biennial levels and discussing its programmatic and fiscal implications.

*\*Sec. 24. Section 80, chapter 340, Laws of 1981 as last amended by section 56, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:*

**FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT**

<b>General Fund Appropriation—State</b> .....	\$	<del>(7,893,000)</del>
		<u>7,408,000</u>
<b>General Fund Appropriation—Federal</b> .....	\$	391,000
<b>Motor Vehicle Fund Appropriation</b> .....	\$	395,000
<b>Total Appropriation</b> .....	\$	<del>(8,679,000)</del>
		<u>8,194,000</u>

The appropriations in this section are subject to the following condition or limitation: This 1983 act does not reduce state matching funds for the department's eight tourism regions.

\*Sec. 24. was vetoed, see message at end of chapter.

Sec. 25. Section 87, chapter 340, Laws of 1981 as last amended by section 72, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—  
BASIC EDUCATION FORMULA FOR FISCAL YEARS 1982 AND  
1983**

General Fund Appropriation . . . . .	\$	( <del>2,584,868,000</del> )	
			<u>2,586,301,000</u>
General Fund—State Timber Tax Reserve			
Account . . . . .	\$	4,000,000	
Total Appropriation . . . . .	\$	( <del>2,588,868,000</del> )	
			<u>2,590,301,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of this act and compliance with chapter 16, Laws of 1981, the superintendent of public instruction shall ensure that no district provides salary and compensation increases from any fund source whatsoever in excess of those amounts for insurance benefit increases and/or for those percentages for salary increases as specified in this act and LEAP Document 4: PROVIDED, That for the 1981–82 school year, if a school district is in violation of chapter 16, Laws of 1981, or chapter 340, Laws of 1981, as now or hereafter amended, the superintendent shall withhold the lesser of five percent or an amount equal to the level of violation when applied to the district's respective basic education allocation, until such time as the school district comes into compliance: PROVIDED FURTHER, That for the 1982–83 school year, the superintendent shall withhold five percent of a district's respective basic education allocation if the school district violates any provision of this act or chapter 16, Laws of 1981 until such time as a school district comes into compliance: PROVIDED FURTHER, That provisions of any contract in force as of the effective date of chapter 16, Laws of 1981, for school years 1981–82 and 1982–83 that conflict with the provisions of this act may continue in effect and no funds shall be withheld as a result of such contracts: PROVIDED FURTHER, That provisions of a contract in compliance with chapter 16, Laws of 1981, and chapter 340, Laws of 1981, entered into prior to the effective date of this 1982 act, for the 1982–83 school year that conflicts with provisions of this 1982 amendatory act may continue in effect and no funds shall be withheld as a result of such contracts.

(2)(a) The appropriations in this section and allocation authorized by sections 87 through 91 of this act per annual average full time equivalent student shall constitute 100% of formula as provided in RCW 28A.41.130 as now or hereafter amended.

(b) If the system-wide staff mix factor exceeds 1.6182, the superintendent of public instruction shall make such adjustments as are required to remain within the amounts generated by the staff mix assumption for the total appropriation.

(3) Formula allocation of certificated staff units shall be determined as follows:

(a) One certificated staff unit for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) One certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three 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 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, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a K-8 program or 1-8 program, an additional one-half of a certificated staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a K-6 or 1-6 program, an additional one-half of a certificated staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.



(d) For districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students, certificated staff units shall be determined as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(4)(a) For nonemployee related costs with each certificated staff unit determined under subsection (3) (a), (c), and (d) of this section, there shall be provided a maximum of \$4,572 per staff unit in the 1981-82 school year and a maximum of \$4,966 per staff unit in the 1982-83 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (3)(b) of this section, there shall be provided a maximum of \$8,000 per staff unit in the 1981-82 school year and a maximum of \$8,641 per staff unit in the 1982-83 school year.

(5) Formula allocation of classified staff units shall be determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (3) (a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(6) The superintendent of public instruction shall distribute a maximum of \$565,000 outside of the basic education allocation to school districts for 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 RCW 52.36.020; a maximum of \$280,000 for the 1981-82 school year, and a maximum of \$285,000 for the 1982-83 school year.

(7) The general fund—state appropriation contained in this section includes all funds received by the state pursuant to Title 16, section 500, United States Code (federal forest funds) which are distributed to the general fund for the benefit of public schools in accordance with RCW 36.33-.110. Within thirty days of receipt within the state treasury, the superintendent of public instruction shall distribute such federal forest funds to each eligible school district in an amount not to exceed that which the district would have received in accordance with the basic education appropriation for the previous year. Funds determined to be in excess of that

amount shall be distributed to the county for distribution to the school districts within the county in accordance with RCW 36.33.110: PROVIDED, That if the amount received by any district pursuant to this appropriation is less than the basic education allocation which the district would otherwise receive, the superintendent of public instruction shall allocate from basic education funds to the district an amount equal to the difference between the amount received under this appropriation and the amount the district would otherwise receive under the basic education act.

(8) The superintendent of public instruction may distribute a maximum of \$250,000 for school district emergencies outside of the basic education allocation.

(9) Not more than \$~~(4,518,000)~~ 5,951,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1981-82 school year from the 1980-81 base enrollment level and in the 1982-83 school year from the 1981-82 base enrollment level. The superintendent of public instruction shall distribute funds based on certificated staff units in the 1981-82 and 1982-83 school years to such districts on the basis of current school year enrollment plus one quarter of the amount of the enrollment decline from the prior school year 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 three hundred full time equivalent students, whichever is less, from the immediately preceding school year, shall increase the enrollment as otherwise herein computed by twenty-five percent of the full time equivalent pupil enrollment loss from the previous school year.

(10) No cash balances or cash reserves of any school district may be confiscated by the state nor used as a local revenue deduction when apportionment funds from this section are distributed to school districts.

(11) The disbursements to local school districts from the appropriations in this section are subject to reductions under section 83 of this 1982 act.

Sec. 26. Section 92, chapter 340, Laws of 1981 as last amended by section 74, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

**SALARY AND COMPENSATION INCREASES**

General Fund Appropriation . . . . . \$ 112,299,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds shall be allocated by the superintendent of public instruction as specified in this section and may be expended by school districts for any state funded activity.

(3) A maximum of \$ 54,666,000 for the 1981-83 biennium may be expended for provision of basic education state-supported certificated staff salary increases as provided in LEAP Document 2 and concomitant incremental fringe benefits. Local school district percentage salary increases under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7) (b) and (c) of this section, shall not exceed the percentages specified in LEAP Document 4.

(4) A maximum of \$ 12,113,000 for the 1981-83 biennium may be expended for provision of basic education state-supported classified staff salary increases as provided in LEAP Document 2 and concomitant incremental fringe benefits. Local school district percentage increases provided under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7)(b) of this section, shall not exceed the percentages specified in LEAP Document 4.

(5) A maximum of \$ 34,147,000 for the 1981-83 biennium may be expended for insurance benefit increases for state-supported basic education certificated and classified staff at a rate of \$26 per month per full time equivalent staff unit in 1981-82 and an additional \$16 per month in 1982-83.

(6) A maximum of \$ 10,922,000 for the 1981-83 biennium for state-supported staff salary, insurance benefit increases, and concomitant incremental fringe benefits for educational service district staff, institutional education staff (program 46), vocational-technical institutes/adult basic education (programs 47 and 48), handicapped program staff (program 21) and transportation staff (program 99), to be distributed at rates and/or percentages not exceeding those specified for the basic education certificated or classified staff, as the case may be, of a district using the pertinent program derived base salary and staff mix factor for certificated staff and average salary for classified staff. Educational service district staff shall receive salary increases funded from this appropriation at the support level provided in section 99 of this act at a rate of 6.87% in 1981-82 and 7.35% in 1982-83, effective June 30, 1983, and insurance benefit increases at the same rate as provided in subsection (5) of this section. Educational service districts, institutional education (program 46) and vocational-technical institutes/adult basic education (programs 47 and 48) shall receive first draw from this appropriation.

(7) For purposes of chapter 16, Laws of 1981, the following conditions and limitations shall apply:

(a) Districts may provide salary and insurance benefit increases for nonstate-supported activities at rates not exceeding those specified by LEAP Document 4 for state-supported basic education certificated staff in each school year of the biennium for each district.

(b) That part of insurance benefits granted employees that are in excess of:

(i) \$121 per full time equivalent staff unit in 1981-82 shall constitute a portion of the salary increase specified in LEAP Document 4: PROVIDED, That if insurance benefits granted employees in 1980-81 were in excess of \$121 per full time equivalent staff unit then only that part granted to employees for 1981-82 in excess of the 1980-81 level shall constitute a portion of the salary increase specified in LEAP Document 4.

(ii) \$137 per full time equivalent staff unit in 1982-83 shall constitute a portion of the salary increase specified in LEAP Document 4: PROVIDED, That if insurance benefits granted employees in 1981-82 were in excess of \$137 per full time equivalent staff unit then only that part granted to employees for 1982-83 in excess of the 81-82 level shall constitute a portion of the salary increase specified in LEAP Document 4.

(c) Increments granted by school districts to certificated staff shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments which are provided pursuant to LEAP Document 1.

(8) A district shall not be in violation of this section or chapter 16, Laws of 1981, as a result of corrections to the reported staff mix data in the 1980-81, 1981-82, or 1982-83 school years as long as the average salary for the 1981-82 and 1982-83 school year, respectively, does not exceed the average salary that would have been generated through consistent application of the incorrect base salary and staff mix in the 1981-82 and 1982-83 school year, respectively.

(9) The 1982-83 salary increase shall be effective on June 30, 1983, and shall be allocated by the superintendent of public instruction as specified in LEAP Document 2.

(10) A maximum of \$451,000 shall be distributed to those school districts which after May 19, 1981, and prior to December 1, 1981, incurred a contractual obligation to pay any employee or employee group a salary increase (~~((during the 1982-83 school year))~~ after August 31, 1982, and prior to June 30, 1983, and such obligation cannot be revoked or otherwise avoided by unilateral action of such districts: PROVIDED, That the total salary increase obligation is within the limits prescribed by LEAP Document 2: PROVIDED FURTHER, That the portion of salary increase funds provided to each qualifying district shall be distributed in the same proportion to the total provided herein as its irrevocable salary increase obligation is in proportion to the total irrevocable salary increase obligation of all qualifying districts: PROVIDED FURTHER, That the determination of revocability or avoidability of the obligation for purposes of receipt of the funds provided under this subsection shall be the sole and final determination of the state attorney general after reviewing the contract regardless of

what may be determined by an arbitrator or court as to the school district's obligation to its employees.

(11) The disbursements to local school districts from the appropriations in this section are subject to reductions under section 83 of this 1982 act.

Sec. 27. Section 16, chapter 143, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GAME

(1) Reappropriation of various 1979-81 projects which have not been completed.

	Reappropriation	Appropriation
GF, ORA—State	825,000	
GF, ORA—Federal	346,000	
Game Fund—State	837,000	
Game Fund—Federal	1,055,000	
Game Fund—Game Sp Wildlife Acct	95,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		1,799,626

(2) Relocate shop facilities from the Auburn Game Farm to the Olympia area from proceeds of the sale of the Auburn Game Farm. This appropriation is contingent on the enactment of House Bill No. 66 during the 1981 regular session of the legislature.

	Reappropriation	Appropriation
Game Fund—State		819,700
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
200,000		1,019,700

(3) Replace raceways and roads, South Tacoma Hatchery.

	Reappropriation	Appropriation
Game Fund—State		133,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs

6/30/81	Thereafter	
67,000	200,000	400,000

(4) Emergency repair and replacement.

	Reappropriation	Appropriation
Game Fund—State		150,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
	300,000	450,000

(5) Replace thirty-nine sets of outdoor toilets on department access areas state-wide.

	Reappropriation	Appropriation
Game Fund—State		195,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
	400,000	595,000

(6) Repair three dikes, Skagit Wildlife Recreation Area.

	Reappropriation	Appropriation
Game Fund—State		88,000
Game Fund—Federal		264,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		352,000

(7) Construct dike and water control structures, McNary Wildlife Recreation Area.

	Reappropriation	Appropriation
Game Fund—State		17,000
Game Fund—Federal		250,000
Project Costs Through	Estimated Costs 7/1/83 and	Estimated Total Costs

6/30/81                      Thereafter

267,000

(8) Replace hatchery building, South Tacoma Hatchery.

	Reappropriation	Appropriation
Game Fund—State		227,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		227,000

(9) Construct new residence and upgrade domestic water supply, Ring-old Rearing Pond.

	Reappropriation	Appropriation
Game Fund—Federal		119,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		119,000

(10) Replace roofs on several buildings, state-wide.

	Reappropriation	Appropriation
Game Fund—State		126,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		126,000

(11) ~~((Purchase land and construct new regional office and storage building using proceeds from sale of present regional office in downtown Seattle.))~~ Sell existing Seattle office and purchase replacement facilities.

	Reappropriation	Appropriation
Game Fund—State		1,081,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs

6/30/81

Thereafter

1,081,000

(12) Replace fishing sites condemned by the Corps of Engineers near Bonneville Dam, Columbia River.

	Reappropriation	Appropriation
Game Fund—Federal		120,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		120,000

(13) Replace wildlife habitat lost to inundation of Snake River Canyon.

	Reappropriation	Appropriation
Game Fund—Federal		2,480,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
	4,960,000	7,440,000

(14) Complete acquisition of thirty-five acres in three parcels of cooperative project with Whatcom county, Tennant Lake Wildlife Recreation Area.

	Reappropriation	Appropriation
GF, ORA—State		76,500
GF, ORA—Federal		76,500
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		153,000

(15) Complete cooperative development project with Whatcom County, Tennant Lake Wildlife Recreation Area.

	Reappropriation	Appropriation
GF, ORA—State		93,500
GF, ORA—Federal		93,500
Project	Estimated	Estimated



Costs Through 6/30/81	Costs 7/1/83 and Thereafter	Total Costs
		187,000

(16) Construct fishing dock with parking and sanitary facilities, Mercer Island.

	Reappropriation	Appropriation
GF, ORA—State		29,500
GF, ORA—Federal		29,500
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		59,000

(17) Redevelop fishing and boating access with parking and sanitary facilities, Heller Basin—Snake River.

	Reappropriation	Appropriation
GF, ORA—State		63,500
GF, ORA—Federal		63,500
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
15,000		142,000

(18) Redevelop fishing and boating access with parking and sanitary facilities, Kenmore access—Lake Washington.

	Reappropriation	Appropriation
GF, ORA—State		17,000
GF, ORA—Federal		17,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		34,000

(19) Develop fishing and boating access with parking and sanitary facilities, city of Snohomish—Snohomish River.

Reappropriation	Appropriation
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GF, ORA—State	62,500
GF, ORA—Federal	62,500

Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs  125,000
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(20) Provide fishing and launch float, Clear Lake.

	Reappropriation	Appropriation
GF, ORA—State		11,000
GF, ORA—Federal		11,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs  63,000
41,000		

(21) Develop public fishing access with launch, parking, and sanitary facilities, Wenas Lake.

	Reappropriation	Appropriation
GF, ORA—State		35,000
GF, ORA—Federal		35,000
Game Fund—Private/Local		27,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs  97,000

(22) Redevelop fishing and boating access with launch, parking, and sanitary facilities, Deep Lake.

	Reappropriation	Appropriation
GF, ORA—State		37,500
GF, ORA—Federal		37,500
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs  75,000

(23) Redevelop fishing and boating access with launch, parking, and sanitary facilities, Jamison Lake.

	Reappropriation	Appropriation
GF, ORA—State		133,000
GF, ORA—Federal		133,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs  266,000

(24) Develop fishing and boating access with launch, parking and sanitary facilities, Mitchell Access—Klickitat River.

	Reappropriation	Appropriation
GF, ORA—State		32,500
GF, ORA—Federal		32,500
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs  65,000

(25) Acquire fishing area for public access, Cottage Lake.

	Reappropriation	Appropriation
GF, ORA—State		32,500
GF, ORA—Federal		32,500
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs  65,000

(26) Acquire three public fishing easements and two parking areas between Auburn and Flaming Geyser, Green River.

	Reappropriation	Appropriation
GF, ORA—State		42,500
GF, ORA—Federal		42,500
Project Costs Through	Estimated Costs 7/1/83 and	Estimated Total Costs

6/30/81

Thereafter

85,000

(27) Acquire remainder parcels between Union Gap and Zillah on I-82 for wildlife habitat and public use.

	Reappropriation	Appropriation
GF, ORA—State		69,000
GF, ORA—Federal		69,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		138,000

Sec. 28. Section 42, chapter 137, Laws of 1981 as last amended by section 85, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

There is appropriated from the state general fund to the sentencing guidelines commission for the biennium ending June 30, 1983, the sum of ~~((five))~~ four hundred ~~((eighty-six))~~ fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

Sec. 29. Section 123, chapter 136, Laws of 1981 as last amended by section 84, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated from the general fund ~~\$((356,000))~~ 286,000 to the corrections standards board and \$4,630,000 to the department of corrections as established in this 1981 act. This appropriation shall be subject to the following conditions and limitations:

(1) For the 1981-83 biennium the department of corrections shall be authorized an additional 93 FTE staff years.

(2) These additional FTE staff years shall be in addition to the staffing level authorized in ESSB 3636. There shall be transferred to the department of corrections an amount of general fund appropriation, state and FTE staff years, the exact amount to be determined by the secretary of social and health services and the secretary of corrections subject to the approval of the director of the office of financial management.

NEW SECTION. Sec. 30. The governor shall direct each agency subject to the governor's power to revise allotments under RCW 43.88.110 to implement immediately a freeze on hiring and to further control expenditures from the state general fund by restricting out-of-state travel, restraining purchasing, and limiting the use of outside consulting services. Requests for exceptions to the hiring freeze are to be made in writing by

agency directors to the director of financial management. The hiring freeze and expenditure controls shall remain in effect until July 1, 1983.

**\*NEW SECTION. Sec. 31.** *Any state employee whose annual salary is \$60,000 or more shall have such salary reduced by 10 percent from the effective date of this act until June 30, 1983. Any state employee whose annual salary is at least \$55,000 but less than \$60,000 shall have such salary reduced by 8 percent from the effective date of this act until June 30, 1983. Any state employee whose annual salary is at least \$50,000 but less than \$55,000 shall have such salary reduced by 6 percent from the effective date of this act until June 30, 1983. Any state employee whose annual salary is at least \$45,000 but less than \$50,000 shall have such salary reduced by 4 percent from the effective date of this act until June 30, 1983. Any state employee whose annual salary is at least \$40,000 but less than \$45,000 shall have such salary reduced by 2 percent from the effective date of this act until June 30, 1983.*

\*Sec. 31. was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 32.** (1) "Provided solely," as used in this act, means that the specified amount may be spent only for the specified purpose. Unless otherwise stated in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

(2) "*Lapse*," as used in this act, means the termination of authority to spend an appropriation or portion of an appropriation. The appropriations in sections 2 and 3 of this act shall not lapse at the conclusion of the fiscal biennium ending June 30, 1983.

\*Sec. 32. was partially vetoed, see message at end of chapter.

**NEW SECTION. Sec. 33.** 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. 34.** 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 10, 1983.

Passed the House March 11, 1983.

Approved by the Governor March 18, 1983, with the exceptions of the following, which are vetoed: sections 7, 14, 24, 31, and 32(2).

Filed in Office of Secretary of State March 18, 1983.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 7, 14, 24, 31, and 32(2), Second Substitute Senate Bill No. 3100, entitled:

"AN ACT relating to state agencies."

I have vetoed section 7, which amends the appropriation "FOR THE GOVERNOR-SPECIAL APPROPRIATIONS." This section would reduce to an unacceptable level the funds available to my office to address emergencies that may occur during the period of time between adjournment of the legislature and the end of the biennium. As long as the legislature is in session, it should appropriate directly from the General Fund for the special problems it wishes to address, rather than deplete the limited emergency funds available. Otherwise, unforeseen demands on the emergency fund could require a special session of the legislature.

I have vetoed section 14, which contains a provision that: "the department of agriculture shall not expend any state general fund moneys for the aerial spraying of hard chemicals over cities with a population over 140,000 persons located in a county with a population over 450,000 persons." This language, which contains some imprecise terms, would unduly restrict the department's ability to address its statutory responsibilities to protect the general population from plant pests and diseases. The issue of aerial spraying of hard chemicals should be debated in the normal course of the legislative process, where public testimony and expert witnesses can contribute to the development of legislation on eradicating pests. This provision has not experienced that process.

I have vetoed section 24. The intent of this section is to reduce the state tourism budget by \$485,000 at a time when the state is in the midst of a phased promotional campaign designed to attract tourists for the coming summer. It is essential to continue the program that has been developed over the past several months in order to enhance the tourism sector of our state's economy. The continuation of those efforts is critical to the creation of employment opportunities and to the development of a positive atmosphere for investment in the tourist industry.

I have vetoed section 31, which requires the reduction of salaries through the end of this biennium for those state employees earning \$40,000 per year or more. By far the largest group of employees affected by this section are the senior faculty members of our institutions of higher education. Medical and dental professionals would also be affected. We are already experiencing difficulties retaining and recruiting employees in those critical areas. To reduce salaries in this manner would only exacerbate this problem. Moreover, the effect on key management people cannot be overlooked. Those on whom we depend to provide leadership to state government in these difficult economic times should not be further penalized by having their salaries reduced. I might note that elected officials with salaries set by statute would not have been affected by this section, because those salary levels cannot be changed except by changing the specific statutes associated with such positions. Finally, those state employees whose salaries are set by contract would have a strong legal case for challenging the reductions as applied to them; a successful suit would undercut the goal of saving money and would result in inequitable application of the reductions.

I have vetoed section 32(2), which provides, in effect, for the supplemental appropriations for the legislature to continue after the end of the current biennium. The legislature, like any other state entity, should have its appropriation for the ensuing biennium established by the omnibus appropriation act for that biennium and should not expect to carry forward a cushion of unexpended funds intended for the prior time period. If, during the next biennium, events establish the need for supplemental funding, the legislature can provide the necessary appropriation.

I have not vetoed section 30, which directs me to impose a hiring freeze and order further expenditure reductions, because I agree with its purpose. On December 13, 1982, I issued Executive Order 82-24, which contains provisions very similar to the language of section 30. I want to state, however, that as a general rule, directives of this sort from the legislature to the Governor are inappropriate.

With the exceptions of the aforementioned provisions, which I have vetoed, Second Substitute Senate Bill No. 3100 is approved."

## CHAPTER 13

[Engrossed House Bill No. 441]

## INTERNATIONAL TRADE FAIRS—FREE LIQUOR SERVICE FOR PROMOTION PURPOSES

AN ACT Relating to liquor service at international trade fairs, shows, or expositions held under the auspices of federal, state, or local governmental or nonprofit entities and receptions hosted by federal, state, or local governmental entities; amending section 12, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 85, Laws of 1982 and RCW 66.20.010; amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 165, chapter ... (SB 3037), Laws of 1983 and RCW 66.28.040; and declaring an emergency.

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

Sec. 1. Section 12, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 85, Laws of 1982 and RCW 66.20.010 are each amended to read as follows:

Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted a permit under this title, the employee shall issue to the applicant under such regulations and at such fee as may be prescribed by the board a permit of the class applied for, as follows:

(1) Where the application is for a special permit by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, a special liquor purchase permit;

(2) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit to purchase alcohol for the purpose named in the permit;

(3) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit to purchase liquor for consumption at such banquet, to such applicants as may be fixed by the board;

(4) Where the application is for a special permit to consume liquor on the premises of a business not licensed under this title, a special permit to purchase liquor for consumption thereon for such periods of time and to such applicants as may be fixed by the board;

(5) Where the application is for a special permit by a manufacturer to import alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, a special import permit;

(6) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by

such person on the prescription of a physician, a special liquor purchase permit;

(7) Where the application is for a special permit by an authorized representative of a military installation operated by or for any of the armed forces within the geographical boundaries of the state of Washington, a special permit to purchase liquor for use on such military installation at prices to be fixed by the board;

(8) Where the application is for a special permit by a manufacturer, importer, wholesaler, or agent thereof, to serve liquor without charge to delegates and guests at a convention of a trade association composed of licensees of the board, when the said liquor is served in a hospitality room or from a booth in a board-approved suppliers' display room at the convention, and when the liquor so served is for consumption in the said hospitality room or display room during the convention, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board or a class H licensee and any such beer and wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

(9) Where the application is for a special permit by a manufacturer, importer, wholesaler, or agent thereof, to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at a convention of a trade association composed of licensees of the board, when the liquor so donated is for consumption at the said reception, breakfast, luncheon, or dinner during the convention, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board or a class H licensee and any such beer and wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

(10) Where the application is for a special permit by a manufacturer, importer, wholesaler, or agent thereof, to donate and/or serve liquor without charge to delegates and guests at an international trade fair, show, or exposition held under the auspices of a federal, state, or local governmental entity or organized and promoted by a nonprofit organization, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board and any such beer or wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210.

Sec. 2. Section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 165, chapter ... (SB 3037), Laws of 1983 and RCW 66.28.040 are each amended to read as follows:

Except as permitted by the board under RCW 66.20.010, no brewer, wholesaler, distiller, winery, importer, rectifier, or other manufacturer of liquor shall, within the state, by himself, his clerk, servant, or agent, give to any person any liquor; but nothing in this section nor in RCW 66.28.010 shall prevent a brewer, wholesaler, winery, or importer from furnishing samples of beer or wine to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor control



board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210; nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board; nothing in this section shall prevent a brewery, winery, or wholesaler from furnishing beer or wine for instructional purposes under RCW 66.28.150; nothing in this section shall prevent a winery or wholesaler from furnishing wine without charge to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and any wine so furnished shall be used solely for such educational purposes, provided that the wine furnished shall be subject to the taxes imposed by RCW 66.24.210; nothing in this section shall prevent a brewer from serving beer without charge, on the brewery premises; and nothing in this section shall prevent a domestic winery from serving wine without charge, on the winery premises.

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 7, 1983.

Passed the Senate March 18, 1983.

Approved by the Governor March 21, 1983.

Filed in Office of Secretary of State March 21, 1983.

## CHAPTER 14

[Senate Bill No. 3096]

### SCHOOL DISTRICTS—GENERAL FUND APPORTIONMENT SCHEDULE

AN ACT Relating to the local school district apportionment schedule; amending section 2, chapter 136, Laws of 1982 (uncodified); amending section 4, chapter 136, Laws of 1982 (uncodified); and declaring an emergency.

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

Sec. 1. Section 2, chapter 136, Laws of 1982 (uncodified) is amended to read as follows:

For the 1982-83 school year, one-half of the September(;) and October(~~(, March, and April)~~) payments under RCW 28A.48.010 shall be made on the last business day of the respective month and the remainder on the fifteenth day of the following month. Interest shall be paid on the amounts deferred under this section at the rate for state interfund loans as established by the state finance committee.

Sec. 2. Section 4, chapter 136, Laws of 1982 (uncodified) is amended to read as follows:

There is hereby appropriated from the general fund to the superintendent of public instruction for the biennium ending June 30, 1983, ~~((two))~~ one million ~~((two))~~ one hundred thousand dollars, or so much thereof as may be necessary, solely for the purposes of paying interest costs associated with section 2 ~~((of this act))~~, chapter 136, Laws of 1982 as amended by section 1 of this 1983 act.

**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 March 7, 1983.

Passed the House March 24, 1983.

Approved by the Governor March 25, 1983.

Filed in Office of Secretary of State March 25, 1983.

## CHAPTER 15

[Engrossed Substitute Senate Bill No. 3108]

### FERRY SYSTEM—COLLECTIVE BARGAINING—ARBITRATION

AN ACT Relating to transportation; amending section 9, chapter ... (SB 3036), Laws of 1983 and RCW 41.05.050; amending section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 2, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.070; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 9, chapter 342, Laws of 1981 and RCW 46.68.030; amending section 47.60.310, chapter 13, Laws of 1961 as last amended by section 137, chapter 3, Laws of 1983 and RCW 47.60.310; amending section 5, chapter 344, Laws of 1981 and RCW 47.60.326; amending section 47.64.090, chapter 13, Laws of 1961 and RCW 47.64.090; amending section 9, chapter 344, Laws of 1981 (uncodified); adding a new section to chapter 41.58 RCW; adding a new section to chapter 47.60 RCW; adding new sections to chapter 47.64 RCW; repealing section 7, chapter 344, Laws of 1981 and RCW 41.06.166; repealing section 8, chapter 24, Laws of 1972 ex. sess., section 10, chapter 342, Laws of 1981 and RCW 47.60.325; repealing section 47.64.010, chapter 13, Laws of 1961, section 33, chapter 296, Laws of 1975 1st ex. sess., section 1, chapter 344, Laws of 1981 and RCW 47.64.010; [repealing] section 2, chapter 344, Laws of 1981 and RCW 47.64.031; repealing section 3, chapter 344, Laws of 1981 and RCW 47.64.100; repealing section 4, chapter 344, Laws of 1981 and RCW 47.64.110; repealing section 47.64.040, chapter 13, Laws of 1961, section 35, chapter 296, Laws of 1975 1st ex. sess., section 1, chapter 73, Laws of 1979 ex. sess. and RCW 47.64.040; providing penalties; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. PUBLIC POLICY. The legislature declares that it is the public policy of the state of Washington to: (1) Provide continuous operation of the Washington state ferry system at reasonable cost to users; (2) efficiently provide levels of ferry service consistent with trends and forecasts of ferry usage; (3) promote harmonious and cooperative relationships between the ferry system and its employees by permitting ferry employees to organize and bargain collectively; (4) protect the citizens of this state by assuring effective and orderly operation of the ferry system in providing for their health, safety, and welfare; (5) prohibit and prevent all

strikes or work stoppages by ferry employees; (6) protect the rights of ferry employees with respect to employee organizations; and (7) promote equality in compensation, benefits, and working conditions between ferry system employees, private sector employees within the state, and other Washington state employees in directly comparable positions.

**NEW SECTION.** Sec. 2. **DEFINITIONS.** As used in this chapter, unless the context otherwise requires, the definitions in this section shall apply.

(1) "Arbitration" means the procedure whereby the parties involved in an impasse submit their differences to a third party for a final and binding decision or as provided in this chapter.

(2) "Arbitrator" means either a single arbitrator or a panel of three arbitrators as provided in section 15 of this act.

(3) "Collective bargaining representative" means the persons designated by the secretary of transportation and employee organizations to be the exclusive representatives during collective bargaining negotiations.

(4) "Department of transportation" means the department as defined in RCW 47.01.021.

(5) "Ferry employee" means any employee of the marine transportation division of the department of transportation who is a member of a collective bargaining unit represented by a ferry employee organization and does not include an exempt employee pursuant to RCW 41.06.079.

(6) "Ferry employee organization" means any labor organization recognized to represent a collective bargaining unit of ferry employees.

(7) "Ferry system management" means those management personnel of the marine transportation division of the department of transportation who have been vested with the day-to-day management responsibilities of the Washington state ferry system by the transportation commission and who are not members of a collective bargaining unit represented by a ferry employee organization.

(8) "Lockout" means the refusal of ferry system management to furnish work to ferry employees in an effort to get ferry employee organizations to make concessions during collective bargaining, grievance, or other labor relation negotiations. Curtailment of employment of ferry employees due to lack of work resulting from a strike or work stoppage, as defined in subsection (11) of this section, shall not be considered a lockout.

(9) "Marine employees' commission" means the commission created in section 19 of this act.

(10) "Office of financial management" means the office as created in RCW 43.41.050.

(11) "Strike or work stoppage" means a ferry employee's refusal, in concerted action with others, to report to duty, or his or her wilful absence from his or her position, or his or her stoppage or slowdown of work, or his

or her abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of his, her, or any other ferry employee's employment. A refusal, in good faith, to work under conditions which pose an endangerment to the health and safety of ferry employees or the public, as determined by the master of the vessel, shall not be considered a strike for the purposes of this chapter.

(12) "Transportation commission" means the commission as defined in RCW 47.01.021.

**NEW SECTION.** Sec. 3. SCOPE OF NEGOTIATIONS. Ferry system management and ferry system employee organizations, through their collective bargaining representatives, shall meet at reasonable times, to negotiate in good faith with respect to wages, hours, working conditions, insurance, and health care benefits as limited by section 18 of this act, and other matters mutually agreed upon. Employer funded retirement benefits shall be provided under the public employees retirement system under chapter 41.40 RCW and shall not be included in the scope of collective bargaining. Negotiations shall also include grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties.

**NEW SECTION.** Sec. 4. UNFAIR LABOR PRACTICES FOR EMPLOYER, EMPLOYEE ORGANIZATION, ENUMERATED. (1) It is an unfair labor practice for ferry system management or its representatives:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules made by the commission pursuant to section 19 of this act, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure of employment, or any term or condition of employment, but nothing contained in this subsection prevents an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to section 7 of this act: PROVIDED, That nothing prohibits ferry system management from agreeing to obtain employees by referral from a lawful hiring hall operated by or participated in by a labor organization;

(d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed by this chapter: PROVIDED, That this paragraph does not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein, or (ii) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer, when it is the representative of its employees subject to section 8 of this act.

(3) The expression of any view, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if the expression contains no threat of reprisal or force or promise of benefit.

**NEW SECTION.** Sec. 5. STRIKES, WORK STOPPAGES, AND LOCKOUTS PROHIBITED. (1) It is unlawful for any ferry system employee or any employee organization, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike or work stoppage against the ferry system.

(2) It is unlawful for ferry system management to authorize, consent to, or condone a strike or work stoppage; or to conduct a lockout; or to pay or agree to pay any ferry system employee for any day in which the employee participates in a strike or work stoppage; or to pay or agree to pay any increase in compensation or benefits to any ferry system employee in response to or as a result of any strike or work stoppage or any act that violates subsection (1) of this section. It is unlawful for any official, director, or representative of the ferry system to authorize, ratify, or participate in any violation of this subsection. Nothing in this subsection prevents new or renewed bargaining and agreement within the scope of negotiations as defined by this chapter, at any time. No collective bargaining agreement provision regarding suspension or modification of any court-ordered penalty provided in this section is binding on the courts.

(3) In the event of any violation or imminently threatened violation of subsection (1) or (2) of this section, any citizen domiciled within the jurisdictional boundaries of the state may petition the superior court for Thurston county for an injunction restraining the violation or imminently threatened violation. Rules of civil procedure regarding injunctions apply to the action. However, the court shall grant a temporary injunction if it appears to the court that a violation has occurred or is imminently threatened; the plaintiff need not show that the violation or threatened violation would

greatly or irreparably injure him or her; and no bond may be required of the plaintiff unless the court determines that a bond is necessary in the public interest. Failure to comply with any temporary or permanent injunction granted under this section constitutes a punishable contempt. The punishment shall not exceed ten thousand dollars for an employee organization or the ferry system, for each day during which the failure to comply continues, or imprisonment in a county jail for officials thereof not exceeding six months, or both such fine and imprisonment. The punishment for a ferry employee found to be in contempt shall be as provided in chapter 7.20 RCW. An individual or an employee organization which makes an active good faith effort to comply fully with the injunction shall not be deemed to be in contempt.

(4) The right of ferry system employees to engage in strike or work slowdown or stoppage is not granted and nothing in this chapter may be construed to grant such a right.

(5) Each of the remedies and penalties provided by this section is separate and several, and is in addition to any other legal or equitable remedy or penalty.

(6) In addition to the remedies and penalties provided by this section the successful litigant is entitled to recover reasonable attorney fees and costs incurred in the litigation.

(7) Notwithstanding the provisions of chapter 88.04 RCW and chapter 88.08 RCW, the department of transportation shall promulgate rules and regulations allowing vessels, as defined in RCW 88.04.300, as well as other watercraft, to engage in emergency passenger service on the waters of Puget Sound in the event ferry employees engage in a work slowdown or stoppage. Such emergency rules and regulations shall allow emergency passenger service on the waters of Puget Sound within seventy-two hours following a work slowdown or stoppage. Such rules and regulations that are promulgated shall give due consideration to the needs and the health, safety and welfare of the people of the state of Washington.

NEW SECTION. Sec. 6. GRIEVANCE PROCEDURES. An agreement with a ferry employee organization that is the exclusive representative of ferry employees in an appropriate unit may provide procedures for the consideration of ferry employee grievances and of disputes over the interpretation and application of agreements. Negotiated procedures may provide for binding arbitration of ferry employee grievances and of disputes over the interpretation and application of existing agreements. An arbitrator's decision on a grievance shall not change or amend the terms, conditions, or applications of the collective bargaining agreement. The procedures shall provide for the invoking of arbitration only with the approval of the employee organization. The costs of arbitrators shall be shared equally by the parties.

Ferry system employees shall follow either the grievance procedures provided in a collective bargaining agreement, or if no such procedures are so provided, shall submit the grievances to the marine employees' commission as provided in section 19 of this act.

**NEW SECTION. Sec. 7. UNION SECURITY PROVISIONS—SCOPE—AGENCY SHOP PROVISION, COLLECTION OF DUES OR FEES.** A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.

**NEW SECTION. Sec. 8. COLLECTIVE BARGAINING PROCEDURES.** (1) Any ferry employee organization certified as the bargaining representative shall be the exclusive representative of all ferry employees in the bargaining unit and shall represent all such employees fairly.

(2) A ferry employee organization or organizations and the secretary of transportation may each designate any individual as its representative to engage in collective bargaining negotiations.

(3) Negotiating sessions, including strategy meetings of ferry system management or employee organizations, mediation, and the deliberative process of arbitrators are exempt from the provisions of chapter 42.30 RCW. Hearings conducted by arbitrators may be open to the public by mutual consent of the parties. Any meeting of the transportation commission, during which a collective bargaining agreement is subject to ratification, shall be open to the public.

(4) Terms of any collective bargaining agreement may be enforced by civil action in Thurston county superior court upon the initiative of either party.

(5) Ferry system employees or any employee organization shall not negotiate or attempt to negotiate directly with a member of the transportation commission if the commission has appointed or authorized a bargaining representative for the purpose of bargaining with the ferry employees or their representative, unless the member of the commission is the designated bargaining representative of the ferry system.

(6) The negotiation of a proposed collective bargaining agreement by representatives of ferry system management and a ferry employee organization shall commence in each odd-numbered year immediately following adoption by the legislature and approval by the governor of the biennial budget.

(7) Until a new collective bargaining agreement is negotiated, or until an award is made by the arbitrator, the terms and conditions of the previous collective bargaining agreement shall remain in force. The wage and benefit provisions of any collective bargaining agreement, or arbitrator's award in lieu thereof, that is concluded after July 1st of an odd-numbered year shall be retroactive to July 1st. It is the intent of this section that the collective bargaining agreement or arbitrator's award shall commence on July 1st of each odd-numbered year and shall terminate on June 30th of the next odd-numbered year to coincide with the ensuing biennial budget year, as defined by RCW 43.88.020(7), to the extent practical.

(8) Any ferry union contract terminating before July 1, 1983, shall, with the agreement of the parties, remain in effect until a contract can be concluded under sections 1 through 19 of this act. The contract may be retroactive to the expiration date of the prior contract, and the cost to the department of three months retroactive compensation and benefits for this 1983 contract negotiation only shall not be included in calculating the limitation imposed by section 9 of this act. If the parties cannot agree to contract extension, any increase agreed to for the three-month period shall be included in calculating the limit imposed by section 9 of this act.

(9) Any ferry union contract which would terminate after July 1, 1983, may, by agreement of the parties, be terminated as of July 1, 1983, and a new contract concluded pursuant to sections 1 through 19 of this act. Any contract terminating after July 1, 1983, is subject to this chapter only upon its expiration and shall not be renewed for a period beyond July 1, 1985.

**NEW SECTION. Sec. 9. AGREEMENTS AND AWARDS LIMITED BY APPROPRIATION.** (1) No collective bargaining agreement or arbitrator's award is valid or enforceable if its implementation would be inconsistent with any statutory limitation on the department of transportation's funds, spending, or budget. The department of transportation shall, in good faith, exercise its administrative discretion with full public participation as required by section 25 of this act, subject only to legislative limitations and conditions, to implement the terms of any collective bargaining agreement or arbitrator's award.

(2) In no event may the transportation commission or the department of transportation authorize an increase in tolls after the enactment of the budget that is in excess of the Seattle consumer price index for the preceding twelve months for the purpose of providing revenue to fund a collective bargaining agreement or arbitrator's award. The commission or the department may increase tolls after the first fiscal year of the biennium by the



amount that the Seattle consumer price index increased after the previous toll increase. This subsection shall not be construed to prevent increases due to items that are not labor-related and that are beyond the direct control of the department.

**NEW SECTION.** Sec. 10. MARINE EMPLOYEES' COMMISSION REVIEW FOR COMPLIANCE WITH FISCAL LIMITATIONS—EFFECTIVE DATE OF AGREEMENTS AND ARBITRATION ORDERS.

(1) No negotiated agreement or arbitration order may become effective and in force until five calendar days after an agreement has been negotiated or an arbitration order entered for each and every ferry employee bargaining unit.

(2) Upon the conclusion of negotiations or arbitration procedures with all ferry employee bargaining units, the secretary shall ascertain whether the cumulative fiscal requirements of all such agreements and arbitration orders are within the limitations imposed by section 9 of this act.

(3) If the secretary finds that budgetary or fare restrictions will be exceeded, he shall, within five calendar days of completion of negotiations or arbitration with the last bargaining unit to conclude an agreement, submit all agreements and arbitration awards to the marine employees' commission for a binding determination whether the limitations of section 9 of this act have been exceeded.

(4) The marine employees' commission shall review all negotiated agreements and arbitration orders, and may take written or oral testimony from the parties, regarding compliance with section 9 of this act. Within fifteen calendar days of receiving the secretary's request for review, the commission shall determine by a majority vote of its members whether or not the cumulative effect of all such agreements and orders exceeds the limitations of section 9 of this act.

(5) If the marine employees' commission determines that the limitations of section 9 of this act would be exceeded if all agreements and arbitration orders were given full force and effect, it shall order the minimum percentage reduction in straight time wage provisions applied equally across the board to all agreements or arbitration orders which will result in compliance with section 9 of this act.

(6) Whenever the secretary requests a determination by the marine employees' commission pursuant to this section, the effect of all agreements and arbitration orders shall be stayed, pending the commission's final determination.

**NEW SECTION.** Sec. 11. IMPASSE PROCEDURES. As the first step in the performance of their duty to bargain, ferry system management and the employee organization shall endeavor to agree upon impasse procedures. The agreement shall provide for implementation of these impasse procedures not later than July 1st in each odd-numbered year following enactment of the biennial budget. If the parties fail to agree upon impasse

procedures under this section, the impasse procedures provided in sections 12 through 14 of this act apply. It is unlawful for either party to refuse to participate in the impasse procedures provided in sections 12 through 14 of this act.

NEW SECTION. Sec. 12. MEDIATION. In the absence of an impasse agreement between the parties or the failure of either party to utilize its procedures by August 1st in each odd-numbered year, the marine employees' commission shall, upon the request of either party, appoint an impartial and disinterested person to act as mediator pursuant to section 19 of this act. It is the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator shall not compel the parties to agree.

NEW SECTION. Sec. 13. FACT-FINDING. Prior to collective bargaining, the marine employees' commission shall conduct a salary survey which shall be a public document comparing wages, hours, employee benefits, and conditions of employment of involved ferry employees with those of private sector employees within the state and Washington state employees doing directly comparable work, giving consideration to factors peculiar to the area and the classifications involved. The commission shall make such other findings of fact as the parties may request during bargaining or impasse.

NEW SECTION. Sec. 14. WAIVER OF MEDIATION AND FACT-FINDING. By mutual agreement, the parties may waive mediation and fact-finding, as provided for in sections 12 and 13 of this act, and proceed with binding arbitration as provided for in section 15 of this act. The waiver shall be in writing and be signed by the representatives of the parties.

NEW SECTION. Sec. 15. BINDING ARBITRATION. (1) If impasse persists fourteen days after the mediator has been appointed, or beyond any other date mutually agreed to by the parties, all impasse items shall be submitted to arbitration pursuant to this section, and that arbitration shall be binding upon the parties.

(2) Each party shall submit to the other within four days of request, a final offer on the impasse items with proof of service of a copy upon the other party. Each party shall also submit a copy of a draft of the proposed collective bargaining agreement to the extent to which agreement has been reached and the name of its selected arbitrator. The parties may continue to negotiate all offers until an agreement is reached or a decision rendered by the panel of arbitrators.

As an alternative procedure, the two parties may agree to submit the dispute to a single arbitrator. If the parties cannot agree on the arbitrator within four days, the selection shall be made pursuant to subsection (5) of this section. The full costs of arbitration under this provision shall be shared equally by the parties to the dispute.

(3) The submission of the impasse items to the arbitrators shall be limited to those issues upon which the parties have not reached agreement. With respect to each such item, the arbitration panel award shall be restricted to the final offers on each impasse item submitted by the parties to the arbitration board on each impasse item.

(4) The panel of arbitrators shall consist of three members appointed in the following manner:

(a) One member shall be appointed by the secretary of transportation;

(b) One member shall be appointed by the ferry employee organization;

(c) One member shall be appointed mutually by the members appointed by the secretary of transportation and the employee organization. The last member appointed shall be the chairman of the panel of arbitrators. No member appointed may be an employee of the parties;

(d) Ferry system management and the employee organization shall each pay the fees and expenses incurred by the arbitrator each selected. The fee and expenses of the chairman of the panel shall be shared equally by each party.

(5) If the third member has not been selected within four days of notification as provided in subsection (2) of this section, a list of seven arbitrators shall be submitted to the parties by the marine employees' commission. The two arbitrators selected by ferry system management and the ferry employee organization shall determine by lot which arbitrator shall remove the first name from the list submitted by the marine employees' commission. The second arbitrator and the first arbitrator shall alternately remove one additional name until only one name remains. The person whose name remains shall become the chairman of the panel of arbitrators and shall call a meeting within thirty days, or at such time mutually agreed to by the parties, at a location designated by him or her. In lieu of a list of seven nominees for the third member being submitted by the marine employees' commission, the parties may mutually agree to have either the Federal Mediation and Conciliation Service or the American Arbitration Association submit a list of seven nominees.

(6) If a vacancy occurs on the panel of arbitrators, the selection for replacement of that member shall be in the same manner and within the same time limits as the original member was chosen. No final award under subsection (3) of this section may be made by the panel until three arbitrators have been chosen.

(7) The panel of arbitrators shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed in this section.

(8) From the time of appointment until such time as the panel of arbitrators makes its final determination, there shall be no discussion concerning recommendations for settlement of the dispute by the members of the panel of arbitrators with parties other than those who are direct parties to the

dispute. The panel of arbitrators may conduct formal or informal hearings to discuss offers submitted by both parties.

(9) The panel of arbitrators shall consider, in addition to any other relevant factors, the following factors:

(a) Past collective bargaining contracts between the parties including the bargaining that led up to the contracts;

(b) Comparison of wages, hours, employee benefits, and conditions of employment of the involved ferry employees with those of private sector employees within the state and Washington state employees doing directly comparable work, giving consideration to factors peculiar to the area and the classifications involved;

(c) The interests and welfare of the public, the ability of the ferry system to finance economic adjustments, and the effect of the adjustments on the normal standard of services;

(d) The right of the legislature to appropriate and to limit funds for the conduct of the ferry system; and

(e) The limitations on ferry toll increases and operating subsidies as may be imposed by the legislature.

(10) The chairman of the panel of arbitrators may hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such powers to other members of the panel of arbitrators. The chairman of the panel of arbitrators may petition the superior court in Thurston county, or any county in which any hearing is held, to enforce the order of the chairman compelling the attendance of witnesses and the production of records.

(11) A majority of the panel of arbitrators shall within thirty days after its first meeting select the most reasonable offer, in its judgment, of the final offers on each impasse item submitted by the parties.

(12) The selections by the panel of arbitrators and items agreed upon by the ferry system management and the employee organization shall be deemed to be the collective bargaining agreement between the parties.

(13) The determination of the panel of arbitrators shall be by majority vote and shall be final and binding, subject to sections 9 and 10 of this act. The panel of arbitrators shall give written explanation for its selection and inform the parties of its decision.

NEW SECTION. Sec. 16. LEGAL ACTIONS. (1) Any ferry employee organization and the department of transportation may sue or be sued as an entity under this chapter. Service upon any party shall be in accordance with law or the rules of civil procedure. Nothing in this chapter may be construed to make any individual or his assets liable for any judgment against the department of transportation or a ferry employee organization if the individual was acting in his official capacity.

(2) Any legal action by any ferry employee organization or the department of transportation under this chapter shall be filed in Thurston county superior court within ten days of when the cause of action arose. The court shall consider those actions on a priority basis and determine the merits of the actions within thirty days of filing.

**NEW SECTION.** Sec. 17. NOTICE AND SERVICE. Any notice required under this chapter shall be in writing, but service thereof is sufficient if mailed by restricted certified mail, return receipt requested, addressed to the last known address of the parties, unless otherwise provided in this chapter. Refusal of restricted certified mail by any party shall be considered service. Prescribed time periods commence from the date of the receipt of the notice. Any party may at any time execute and deliver an acceptance of service in lieu of mailed notice.

**NEW SECTION.** Sec. 18. INSURANCE AND HEALTH CARE. Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state employees' insurance board, under chapter 41.05 RCW. The ferry system management and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050, subject to section 9 of this act. However, after July 1, 1984, any amount by which the employer contribution for ferry system employees' and dependents' insurance and health care plans exceeds that provided for other state agencies shall reduce the funds available for compensation purposes, pursuant to section 9 of this act.

**NEW SECTION.** Sec. 19. MARINE EMPLOYEES' COMMISSION. (1) There is created the marine employees' commission. The governor shall appoint the commission with the consent of the senate. The commission shall consist of three members: One member to be appointed from labor, one member from industry, and one member from the public who has significant knowledge of maritime affairs. The public member shall be chairman of the commission. One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Commission members are eligible for reappointment. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Commission members are not eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission. Members of the commission shall be compensated and receive reimbursement for official travel and other expenses at the

same rate and on the same terms as provided for the transportation commission by RCW 47.01.061. The payments shall be made from the Puget Sound ferry operations account.

(2) The marine employees' commission shall: (a) Adjust all complaints, grievances, and disputes between labor and management arising out of the operation of the ferry system as provided in section 6 of this act; (b) provide for impasse mediation as required in section 12 of this act; (c) conduct fact-finding and provide salary surveys as required in section 13 of this act; and (d) provide for the selection of an impartial arbitrator as required in section 15(5) of this act.

(3) In adjudicating all complaints, grievances, and disputes, the party claiming labor disputes shall, in writing, notify the marine employees' commission, which shall make careful inquiry into the cause thereof and issue an order advising the ferry employee, or the ferry employee organization representing him or her, and the department of transportation, as to the decision of the commission.

The parties are entitled to offer evidence relating to disputes at all hearings conducted by the commission. The orders and awards of the commission are final and binding upon any ferry employee or employees or their representative affected thereby and upon the department.

The commission shall adopt rules of procedure under chapter 34.04 RCW.

The commission has the authority to subpoena any ferry employee or employees, or their representatives, and any member or representative of the department, and any witnesses. The commission may require attendance of witnesses and the production of all pertinent records at any hearings held by the commission. The subpoenas of the commission are enforceable by order of any superior court in the state of Washington for the county within which the proceeding may be pending. The commission may hire staff as necessary, appoint consultants, enter into contracts, and conduct studies as reasonably necessary to carry out this chapter.

Sec. 20. Section 9, chapter ... (SB 3036). Laws of 1983 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 provision for school district personnel shall not be made under this chapter: PROVIDED FURTHER, That insurance and health care contributions for ferry employees shall be governed by section 18 of this act.

(3) The trustee with the assistance of the department of personnel shall survey private industry and public employers in the state of Washington to determine the average employer contribution and the average level of benefits for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be conducted during each even-numbered year but may be conducted more frequently. The survey shall be reported to the board for its use in setting the amount of the recommended employer contribution to the employee insurance benefit program covered by this chapter. The board shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 21. Section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 2, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, fisheries, social and health services, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve *ex officio*, or are otherwise chosen:

(a) All members of such boards, commissions, or committees;

(b) If the members of the board, commission, or committee serve on a part time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve *ex officio*: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part time, or temporary employees, and part time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of the Washington tree fruit research commission;

(18) Officers and employees of the Washington state beef commission;

(19) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(20) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);



(21) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(22) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(23) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(24) All employees of the marine employees' commission;

(25) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempt except for the chief executive officer of each agency, full time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (21) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982.

NEW SECTION. Sec. 22. There is added to chapter 41.58 RCW a new section to read as follows:

For any matter concerning the state ferry system and employee relations, collective bargaining, or labor disputes or stoppages, the provisions of chapter 47.64 RCW shall govern.

Sec. 23. Section 46.68.030, chapter 12, Laws of 1961 as last amended by section 9, chapter 342, Laws of 1981 and RCW 46.68.030 are each amended to read as follows:

All fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, except that the proceeds from the vehicle license fee and renewal license fee shall be deposited by the state treasurer as hereinafter provided. After July 1, 1981, that portion of each vehicle license fee in excess of \$7.40 and that portion of each renewal license fee in excess of \$3.40 shall be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal license fees, and all other funds in the state patrol highway account shall be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations therefor, for any fiscal biennium after June 30, 1981, and twenty-seven and three-tenths percent of the proceeds from \$7.40 of each vehicle license fee and \$3.40 of each renewal license fee shall be deposited each biennium in the Puget Sound ferry operations account to partially finance, together with other funds in the account, any budgeted state ferry system maintenance and operating deficit for that biennium. The deficit shall be calculated by subtracting from total costs the sum of all unappropriated funds available to the state ferry system, including revenues from tolls that are adjusted ((annually)) by the transportation commission ((to correspond

~~with changes in the consumer price index for the city of Seattle pursuant to RCW 47.60.325)). Any remaining amounts of vehicle license fees and renewal license fees that are not deposited in the Puget Sound ferry operations account shall be deposited in the motor vehicle fund.~~

Sec. 24. Section 47.60.310, chapter 13, Laws of 1961 as last amended by section 137, chapter 3, Laws of 1983 and RCW 47.60.310 are each amended to read as follows:

(1) The department 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 department shall give prior notice of the review to the legislative authority ((of each county wherein a terminal of the Washington state ferries is located and the legislative authority of any other county adjacent to Puget Sound or the Strait of Juan de Fuca which by resolution has notified the department of its intent to participate in the reviews)) of Clallam, Island, Jefferson, King, Kitsap, Pierce, San Juan, Skagit, and Snohomish counties.

(2) Each such county legislative authority ((is hereby directed to)) shall appoint a committee to consist of ((no more than)) five members to serve as an advisory committee to the department or its designated representative in such review.

(3) The members of each county ferry advisory committee shall be appointed for four-year terms. The initial terms shall commence on July 1, 1982, and end on June 30, 1986. Any vacancy shall be filled for the remainder of the unexpired term by the appointing authority. At least one person appointed to each advisory committee shall be representative of an established ferry-user group or of frequent users of the ferry system, at least one shall be representative of persons or firms using or depending upon the ferry system for commerce, and one member shall be representative of a local government transportation planning body or its staff. Every member shall be a resident of the county upon whose advisory committee he or she sits, and not more than three members shall at the time of their appointment be members of the same major political party.

(4) The committees to be appointed by the county legislative authorities shall serve without fee or compensation. ((It is not the intent of RCW 47.60.290 through 47.60.310 that any powers or duties now prescribed and delegated to the department shall be assumed by any other board or committee:))

Sec. 25. Section 5, chapter 344, Laws of 1981 and RCW 47.60.326 are each amended to read as follows:

(1) In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, including the Hood Canal bridge,

the department of transportation each year shall conduct a full review of such charges.

(2) Prior to February 1st of each odd-numbered year the department shall transmit to the transportation commission a report of its review together with its recommendations for the revision of a schedule of charges for the ensuing ~~((fiscal-year))~~ biennium. The commission on or before ~~((April))~~ July 1st of that year shall adopt as a rule, in the manner provided by the Washington administrative procedure act, a schedule of charges for the Washington state ferries for the ensuing ~~((twelve-month-period))~~ biennium commencing ~~((May))~~ July 1st. The schedule may initially be adopted as an emergency rule if necessary to take effect on, or as near as possible to, ~~((May))~~ July 1st.

(3) The department in making its review and formulating recommendations and the commission in adopting a schedule of charges may consider any of the following factors:

(a) The amount of subsidy available to the ferry system for maintenance and operation;

(b) The time and distance of ferry runs;

(c) The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;

(d) The efficient distribution of traffic between cross-sound routes;

(e) The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;

(f) The effect of proposed fares in increasing walk-on and vehicular passenger use;

(g) The effect of proposed fares in promoting all types of ferry use during nonpeak periods;

(h) Such other factors as prudent managers of a major ferry system would consider.

(4) If at any time during the biennium it appears that projected toll revenues from the ferry system, together with the appropriation from the Puget Sound ferry operations account and any other operating subsidy available to the Washington state ferries, will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. The department shall, upon completion of its review report, submit its recommendation to the transportation commission which may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.

(5) The provisions of section 25 of this act relating to public participation shall apply to the process of revising ferry tolls under this section.

NEW SECTION. Sec. 26. There is added to chapter 47.60 RCW a new section to read as follows:

**PUBLIC PARTICIPATION.** (1) Before a substantial expansion or curtailment in the level of service provided to ferry users, or a revision in the schedule of ferry tolls or charges, the department of transportation shall consult with affected ferry users. The consultation shall be: (a) By public hearing in affected local communities; (b) by review with the affected ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting a survey of affected ferry users; or (d) by any combination of (a) through (c).

(2) There is created a ferry system productivity council consisting of a representative of each ferry advisory committee empanelled under RCW 47.60.310, elected by the members thereof, and two representatives of employees of the ferry system appointed by mutual agreement of all of the unions representing ferry employees, which shall meet from time to time with ferry system management to discuss means of improving ferry system productivity.

(3) Before increasing ferry tolls the department of transportation shall consider all possible cost reductions with full public participation as provided in subsection (1) of this section and, consistent with public policy, shall consider adapting service levels equitably on a route-by-route basis to reflect trends in and forecasts of traffic usage. Forecasts of traffic levels shall be developed by the bond covenant traffic engineering firm appointed under the provisions of RCW 47.60.450. Provisions of this section shall not alter obligations under RCW 47.60.450. Before including any toll increase in a budget proposal by the commission, the department of transportation shall consult with affected ferry users in the manner prescribed in (1)(b) of this section plus the procedure of either (1) (a) or (c) of this section.

Sec. 27. Section 47.64.090, chapter 13, Laws of 1961 and RCW 47.64.090 are each amended to read as follows:

~~((Should))~~ If any party assumes the operation and maintenance of any ferry or ferry system by rent, lease, or charter from the ((Washington toll bridge authority)) department of transportation, such party shall assume and be bound by all the provisions herein and any agreement or contract for such operation of any ferry or ferry system entered into by the ((Washington toll bridge authority)) department shall provide that the wages to be paid, hours of employment, working conditions and seniority rights of employees will be established by the marine employees' commission in accordance with the terms and provisions of this chapter and it shall further provide that all labor disputes shall be adjudicated ~~((by the marine employees commission))~~ in accordance with chapter 47.64 RCW.

Sec. 28. Section 9, chapter 344, Laws of 1981 (uncodified) is amended to read as follows:

There is appropriated to the (~~(department of personnel)~~) marine employees' commission for the biennium ending June 30, 1983, from the motor vehicle fund, the sum of twenty thousand dollars or so much thereof as may be necessary, to prepare recommendations (~~(to the state personnel board)~~) for the classification of the positions of employees of the Washington state ferries in accordance with section (~~(7)~~) 13 of this 1983 act.

NEW SECTION. Sec. 29. Section captions used in this act constitute no part of the law.

NEW SECTION. Sec. 30. 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. 31. The following acts or parts of acts are each repealed:

- (1) Section 7, chapter 344, Laws of 1981 and RCW 41.06.166;
- (2) Section 8, chapter 24, Laws of 1972 ex. sess., section 10, chapter 342, Laws of 1981 and RCW 47.60.325;
- (3) Section 47.64.010, chapter 13, Laws of 1961, section 33, chapter 296, Laws of 1975 1st ex. sess., section 1, chapter 344, Laws of 1981 and RCW 47.64.010;
- (4) Section 2, chapter 344, Laws of 1981 and RCW 47.64.031;
- (5) Section 3, chapter 344, Laws of 1981 and RCW 47.64.100;
- (6) Section 4, chapter 344, Laws of 1981 and RCW 47.64.110; and
- (7) Section 47.64.040, chapter 13, Laws of 1961, section 35, chapter 296, Laws of 1975 1st ex. sess., section 1, chapter 73, Laws of 1979 ex. sess. and RCW 47.64.040.

NEW SECTION. Sec. 32. Sections 1 through 19 of this act shall be added to chapter 47.64 RCW.

NEW SECTION. Sec. 33. 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 25, 1983.

Passed the House March 21, 1983.

Approved by the Governor March 28, 1983.

Filed in Office of Secretary of State March 28, 1983.

## CHAPTER 16

[Engrossed Substitute Senate Bill No. 3112]  
 REDISTRICTING COMMISSION—REAPPORTIONMENT  
 RESPONSIBILITIES—LOCAL GOVERNMENT DUTIES

AN AC: Relating to reapportionment and redistricting; amending section 27, chapter 2, Laws of 1982 and RCW 29.70.100; creating a new chapter in Title 44 RCW; repealing section 18, chapter 2, Laws of 1982 and RCW 29.70.010; repealing section 19, chapter 2, Laws of 1982 and RCW 29.70.020; repealing section 20, chapter 2, Laws of 1982 and RCW 29.70.030; repealing section 21, chapter 2, Laws of 1982 and RCW 29.70.040; repealing section 22, chapter 2, Laws of 1982 and RCW 29.70.050; repealing section 23, chapter 2, Laws of 1982 and RCW 29.70.060; repealing section 24, chapter 2, Laws of 1982 and RCW 29.70.070; repealing section 25, chapter 2, Laws of 1982 and RCW 29.70.080; repealing section 26, chapter 2, Laws of 1982 and RCW 29.70.090; repealing section 28, chapter 2, Laws of 1982 and RCW 29.70.110; repealing section 29, chapter 2, Laws of 1982 and RCW 29.70.120; repealing section 30, chapter 2, Laws of 1982 and RCW 29.70.130; repealing section 31, chapter 2, Laws of 1982 and RCW 29.70.900; repealing section 33, chapter 2, Laws of 1982 and RCW 29.70.910; and providing for a contingent effect.

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

NEW SECTION. Sec. 1. This act may be cited as the Washington State Redistricting Act.

NEW SECTION. Sec. 2. The definitions set forth in this section apply throughout this chapter, unless the context requires otherwise.

(1) "Chief election officer" means the secretary of state.

(2) "Federal census" means the decennial census required by federal law to be prepared by the United States bureau of the census in each year ending in zero.

(3) "Lobbyist" means an individual required to register with the Washington public disclosure commission pursuant to RCW 42.17.150.

(4) "Plan" means a plan for legislative and congressional redistricting mandated by Article II, section ... of the state Constitution.

NEW SECTION. Sec. 3. A redistricting commission shall be established in January of each year ending in one to accomplish state legislative and congressional redistricting. The five-member commission shall be appointed as follows:

(1) Each legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one.

(2) The four legislators appointing commission members pursuant to this section shall certify their appointments to the chief election officer. If an appointing legislator does not certify an appointment by January 15th of each year ending in one, within five days the supreme court shall certify an appointment to the chief election officer.

(3) No later than January 31st of the year of their selection, the four appointed members, by an affirmative vote of at least three, shall appoint

and certify to the chief election officer the nonvoting fifth member who shall act as the commission's chairperson. A vacancy on the commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the vacancy occurs.

NEW SECTION. Sec. 4. Before serving on the commission every person shall take and subscribe an oath to faithfully perform the duties of that office. The oath shall be filed in the office of the secretary of state.

NEW SECTION. Sec. 5. No person may serve on the commission who:

- (1) Is not a registered voter of the state at the time of selection; or
- (2) Is or has within one year prior to selection been a registered lobbyist; or
- (3) Is or has within six years prior to selection been an elected official.

NEW SECTION. Sec. 6. No member of the commission may:

- (1) Campaign for elective office while a member of the commission; or
- (2) Actively participate in or contribute to any political campaign of any candidate for state or federal elective office while a member of the commission.

NEW SECTION. Sec. 7. (1) The commission may employ the services of experts, consultants, and support staff, including attorneys not employed by the attorney general, as necessary to carry out its duties pursuant to this chapter.

(2) The chief election officer, the treasurer, and the attorney general shall make available to the commission such personnel, facilities, and other assistance as the commission may reasonably request. The chief election officer shall be the official recipient of all provisional and preliminary census data and maps, and shall forward such data and maps, upon request, to the commission.

(3) The commission, upon written request by a witness and subject to rules promulgated by the commission, may reimburse witnesses for their necessary expenses incurred in appearing before the commission.

(4) The legislature shall appropriate funds to enable the commission to carry out its duties. Members shall receive one hundred dollars of compensation for each day spent in the performance of their duties. Compensation of employees shall be determined by the commission. The provisions of RCW 43.03.050 and 43.03.060 shall apply to both the members and the employees of the commission.

NEW SECTION. Sec. 8. In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.04 RCW, to carry out the provisions of Article II, section \_\_ of the state Constitution and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that



the votes of three of the voting members are required for any official action of the commission;

(2) Act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) Comply with requirements to disclose and preserve public records as specified in chapters 40.14 and 42.17 RCW;

(4) Hold open meetings pursuant to the open public meetings act, chapter 42.30 RCW;

(5) Prepare and disclose its minutes pursuant to RCW 42.32.030;

(6) Be subject to the provisions of RCW 42.17.240;

(7) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries.

NEW SECTION. Sec. 9. In the redistricting plan:

(1) Districts shall have a population as nearly equal as is practicable, excluding nonresident military personnel, based on the population reported in the federal decennial census.

(2) To the extent consistent with subsection (1) of this section the commission plan should, insofar as practical, accomplish the following:

(a) District lines should be drawn so as to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest. The number of counties and municipalities divided among more than one district should be as small as possible;

(b) Districts should be composed of convenient, contiguous, and compact territory. Land areas may be deemed contiguous if they share a common land border or are connected by a ferry, highway, bridge, or tunnel. Areas separated by geographical boundaries or artificial barriers that prevent transportation within a district should not be deemed contiguous; and

(c) Whenever practicable, a precinct shall be wholly within a single legislative district.

(3) In accordance with the provisions of Article II, section 6 of the state Constitution, representative districts shall be uniformly established so that if a senatorial district is divided in the formation of representative districts, all senatorial districts shall be so divided.

(4) The commission's plan shall not provide for a number of legislative districts different than that established by the legislature.

(5) The commission shall exercise its powers to provide fair and effective representation and to encourage electoral competition. The commission's

plan shall not be drawn purposely to favor or discriminate against any political party or group.

**NEW SECTION.** Sec. 10. (1) Upon approval of a redistricting plan by three of the voting members of the commission, but not later than January 1st of the year ending in two, the commission shall submit the plan to the legislature.

(2) After submission of the plan by the commission, the legislature shall have the next thirty days during any regular or special session to amend the commission's plan. If the legislature amends the commission's plan the legislature's amendment must be approved by an affirmative vote in each house of two-thirds of the members elected or appointed thereto, and may not include more than two percent of the population of any legislative or congressional district.

(3) The plan approved by the commission, with any amendment approved by the legislature, shall be final upon approval of such amendment or after expiration of the time provided for legislative amendment by subsection (2) of this section whichever occurs first, and shall constitute the districting law applicable to this state for legislative and congressional elections, beginning with the next elections held in the year ending in two. This plan shall be in force until the effective date of the plan based upon the next succeeding federal decennial census or until a modified plan takes effect as provided in section 12(6) of this act.

(4) If three of the voting members of the commission fail to approve and submit a plan within the time limitations provided in subsection (1) of this section, the supreme court shall adopt a plan by March 1st of the year ending in two. Any such plan approved by the court is final and constitutes the districting law applicable to this state for legislative and congressional elections, beginning with the next election held in the year ending in two. This plan shall be in force until the effective date of the plan based on the next succeeding federal decennial census or until a modified plan takes effect as provided in section 12(6) of this act.

**NEW SECTION.** Sec. 11. (1) Following the period provided by section 10(1) of this act for the commission's adoption of a plan, the commission shall take all necessary steps to conclude its business and cease operations. The commission shall prepare a financial statement disclosing all expenditures made by the commission. The official record shall contain all relevant information developed by the commission pursuant to carrying out its duties under this chapter, maps, data collected, minutes of meetings, written communications, and other information of a similar nature. Once the commission ceases to exist, the chief election officer shall be the custodian of the official record for purposes of reprecincting and election administration. The chief election officer shall provide for the permanent preservation of this official record pursuant to chapter 42.17 RCW and Title 40 RCW. Once the

commission ceases to exist any budget surplus shall revert to the state general fund.

(2) Except as provided in section 12 of this act for a reconvened commission, the commission shall cease to exist on July 1st of each year ending in two unless the supreme court extends the commission's term.

NEW SECTION. Sec. 12. (1) If a commission has ceased to exist, the legislature may, upon an affirmative vote in each house of two-thirds of the members elected or appointed thereto, adopt legislation reconvening the commission for the purpose of modifying the redistricting plan.

(2) Section 5 of this act governs the eligibility of persons to serve on the reconvened commission. A vacancy involving a voting member of the reconvened commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the effective date of the legislation reconvening the commission. A vacancy involving the non-voting member of the commission shall be filled by an affirmative vote of at least three of four voting members, within fifteen days after all other vacancies are filled or, if no other vacancies exist, within fifteen days after the effective date of the legislation reconvening the commission. A subsequent vacancy on a reconvened commission shall be filled by the person or persons who made the initial appointment, or their successor, within fifteen days after the vacancy occurs. If any appointing authority fails to make a required appointment within the time limitations established by this subsection, within five days after that date the supreme court shall make the required appointment.

(3) The provisions of sections 7 and 8 of this act are applicable if a commission is reconvened under this section.

(4) The commission shall complete the modification to the redistricting plan as soon as possible, but no later than sixty days after the effective date of the legislation reconvening the commission. At least three of the voting members shall approve the modification to the redistricting plan.

(5) Following approval of a modification to the redistricting plan by the commission, the legislature has the next thirty days during any regular or special session to amend the commission's modification. Any amendment by the legislature must be approved by an affirmative vote in each house of two-thirds of the members elected or appointed thereto. No amendment by the legislature may include more than two percent of the population of any legislative or congressional district contained in the commission's modification.

(6) The commission's modification to the redistricting plan, with any amendments approved by the legislature, shall be final upon approval of the amendments or after expiration of the time provided for legislative amendment by subsection (5) of this section, whichever occurs first.

(7) Following the period provided by subsection (4) of this section for the commission's approval of a modification to the redistricting plan, the

commission shall take all necessary steps to conclude its business and cease operations in accordance with section 11(1) of this act. A reconvened commission shall cease to exist ninety days after the effective date of the legislation reconvening the commission, unless the supreme court extends the commission's term.

NEW SECTION. Sec. 13. After the plan takes effect as provided in section 10 of this act, any registered voter may file a petition with the supreme court challenging the plan. After a modification to the redistricting plan takes effect as provided in section 12 of this act, any registered voter may file a petition with the supreme court challenging the amended plan. The court may consolidate any or all petitions and shall give all such petitions precedence over all other matters.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 44 RCW.

Sec. 15. Section 27, chapter 2, Laws of 1982 and RCW 29.70.100 are each amended to read as follows:

(1) It is the responsibility of each ~~((local government and each))~~ county, municipal corporation, and special purpose district with a governing body comprised of internal director, council, or commissioner districts not based on statutorily required land ownership ~~((or residency))~~ criteria to periodically redistrict its governmental unit, based on population information from the most recent federal decennial census.

(2) Within forty-five days after ~~((its))~~ receipt of federal decennial census information applicable to ~~((the))~~ a specific local area, the commission ~~((or the secretary of state))~~ established in section 3 of this act shall forward the census information to each ~~((local government and))~~ municipal corporation charged with redistricting under this ~~((chapter))~~ section.

(3) No later than eight months after its receipt of federal decennial census data, the governing body of the municipal corporation shall prepare a plan for redistricting its internal or director districts.

(4) The plan shall be consistent with the following criteria:

(a) Each internal director district shall be as nearly equal in population as possible to each and every other internal director district comprising the municipal corporation.

(b) Each district shall be as compact as possible.

(c) Each district shall ~~((be comprised))~~ consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(5) During the adoption of its plan, the municipal corporation shall ensure that full and reasonable public notice of its actions is provided. The municipal corporation shall hold at least one public hearing on the redistricting plan at least one week before adoption of the plan.

(6)(a) (~~An elected official~~) Any registered voter residing in an area affected by the municipal corporation's redistricting plan may request review of the adopted local plan by the (~~voting boundary commission~~) superior court of the county in which he or she resides, within forty-five days of the plan's adoption. Any request for review must specify the reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation may be joined as respondent. The (~~voting boundary commission~~) superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in (~~RCW 29.70.030 and~~) subsection (4) of this section.

(b) If (~~, within thirty days of submission of a local government plan, the commission~~) the superior court finds the plan to be consistent with the requirements of this (~~chapter or the commission fails to find that the plan is not consistent with the requirements of this chapter, the secretary of state shall certify the plan. A certified~~) section, the plan shall take effect (~~(ten days after certification)~~) immediately.

(c) If the (~~commission~~) superior court determines the plan does not meet the requirements of this (~~chapter~~) section, in whole or in part, it shall remand the plan for further or corrective action within a specified and reasonable time period.

(d) If the (~~commission~~) superior court finds that any request for review is frivolous or has been filed solely for purposes of harassment or delay, it may impose appropriate sanctions on the party requesting review, including payment of attorneys' fees and costs to the respondent municipal corporation.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

- (1) Section 18, chapter 2, Laws of 1982 and RCW 29.70.010;
- (2) Section 19, chapter 2, Laws of 1982 and RCW 29.70.020;
- (3) Section 20, chapter 2, Laws of 1982 and RCW 29.70.030;
- (4) Section 21, chapter 2, Laws of 1982 and RCW 29.70.040;
- (5) Section 22, chapter 2, Laws of 1982 and RCW 29.70.050;
- (6) Section 23, chapter 2, Laws of 1982 and RCW 29.70.060;
- (7) Section 24, chapter 2, Laws of 1982 and RCW 29.70.070;
- (8) Section 25, chapter 2, Laws of 1982 and RCW 29.70.080;
- (9) Section 26, chapter 2, Laws of 1982 and RCW 29.70.090;
- (10) Section 28, chapter 2, Laws of 1982 and RCW 29.70.110;
- (11) Section 29, chapter 2, Laws of 1982 and RCW 29.70.120;
- (12) Section 30, chapter 2, Laws of 1982 and RCW 29.70.130;
- (13) Section 31, chapter 2, Laws of 1982 and RCW 29.70.900; and

(14) Section 33, chapter 2, Laws of 1982 and RCW 29.70.910.

NEW SECTION. Sec. 17. 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. 18. This act shall take effect if the proposed amendment to Article II of the state Constitution establishing a commission for state legislative and congressional redistricting is validly submitted to and is approved and ratified by the voters at a general election held in November, 1983. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety.

Passed the Senate March 22, 1983.

Passed the House March 18, 1983.

Approved by the Governor March 29, 1983.

Filed in Office of Secretary of State March 29, 1983.

## CHAPTER 17

[Substitute House Bill No. 1038]

### CONGRESSIONAL REDISTRICTING

AN ACT Relating to congressional redistricting; creating a new chapter in Title 29 RCW; repealing section 1, chapter 2, Laws of 1982 and RCW 29.69.001; repealing section 2, chapter 2, Laws of 1982 and RCW 29.69.002; repealing section 3, chapter 2, Laws of 1982 and RCW 29.69.003; repealing section 4, chapter 2, Laws of 1982 and RCW 29.69.004; repealing section 5, chapter 2, Laws of 1982 and RCW 29.69.005; repealing section 6, chapter 2, Laws of 1982 and RCW 29.69.006; repealing section 7, chapter 2, Laws of 1982 and RCW 29.69.007; repealing section 8, chapter 2, Laws of 1982 and RCW 29.69.010; repealing section 9, chapter 2, Laws of 1982 and RCW 29.69.020; repealing section 10, chapter 2, Laws of 1982 and RCW 29.69.030; repealing section 11, chapter 2, Laws of 1982 and RCW 29.69.040; repealing section 12, chapter 2, Laws of 1982 and RCW 29.69.050; repealing section 13, chapter 2, Laws of 1982 and RCW 29.69.060; repealing section 14, chapter 2, Laws of 1982 and RCW 29.69.070; repealing section 15, chapter 2, Laws of 1982 and RCW 29.69.080; repealing section 16, chapter 2, Laws of 1982 and RCW 29.69.900; and declaring an emergency.

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

NEW SECTION. Sec. 1. The congressional districts described in this chapter comply with the provisions of section 8, chapter 6, Laws of 1983. In every case the population of the congressional districts described in this chapter has been ascertained on the basis of the total number of persons found inhabiting such areas as of April 1, 1980, under the 1980 federal decennial census. The legislature hereby declares that no practical means have been found to more accurately determine the population inhabiting such areas other than through the 1980 federal decennial census data.

NEW SECTION. Sec. 2. (1) Any area not specifically included within the boundaries of any of the districts as described in this chapter and that is

completely surrounded by a particular district, shall be a part of that district. Any such area not completely surrounded by a particular district shall be a part of the district having the smallest number of inhabitants and having territory contiguous to such area.

(2) Any area described in this chapter as specifically embraced in two or more noninclusive districts shall be a part of the adjacent district having the smallest number of inhabitants and shall not be a part of the other district or districts.

(3) Any area specifically mentioned as embraced within a district but separated from such district by one or more other districts, shall be assigned as though it had not been included in any district specifically described.

(4) Where a congressional district boundary intersects an individual dwelling, the residents of that household shall be assigned to the adjacent district having the smallest number of inhabitants.

(5) The 1980 United States federal decennial census shall be used for determining the number of inhabitants under this chapter.

(6) If any court of competent jurisdiction requires nonresident military personnel who were not included in the United States census bureau data to be included, these persons shall be included in the population of the district or districts from which the persons were excluded. As used in this section "nonresident military personnel" has the same meaning as "transient military personnel" in RCW 44.07B.003.

NEW SECTION. Sec. 3. For the purposes of this chapter, congressional districts shall be described in terms of:

(1) Official United States census bureau tracts, enumeration districts, block groups, blocks, or census county divisions established by the United States bureau of the census in the 1980 federal decennial census; or

(2) Counties, municipalities, or other political subdivisions or parts of political subdivisions as they existed on April 1, 1980.

NEW SECTION. Sec. 4. The following abbreviations used in this chapter have the following meanings:

- (1) "T" means "census tract";
- (2) "ED" means "census enumeration district";
- (3) "BG" means "census block group";
- (4) "B" means "block"; and
- (5) "CCD" means "census county division."

NEW SECTION. Sec. 5. A single member of the United States House of Representatives shall be elected from each of the eight congressional districts provided for in this chapter at the general election to be held on the first Tuesday after the first Monday in November, 1984, and every two years thereafter, for two-year terms.

NEW SECTION. Sec. 6. The First congressional district shall consist of the following areas:

In King County:

- T 1
- T 2
- T 3
- T 4
- T 5
- T 6
- T 7
- T 8
- T 9
- T 10
- T 11
- T 12
- T 14
- T 15
- T 16
- T 21
- T 22
- T 23
- T 24
- T 25
- T 31
- T 32
- T 32.99
- T 39
- T 40
- T 41
- T 42
- T 55
- T 56
- T 57
- T 57.99
- T 58.01
- T 58.02
- T 58.99
- T 201
- T 202
- T 203
- T 204
- T 205
- T 206
- T 207
- T 208
- T 209



- T 210
- T 211
- T 212
- T 213
- T 214
- T 215
- T 216
- T 217
- T 218
- T 219.01
- T 219.02
- T 220.01
- T 220.02
- T 221
- T 222
- T 223
- T 224
- T 225
- T 226.01 (part: BG 1, 9, B 201–205, 410, 411, 416)
- T 226.02 (part: B 908, 909, 911, 912, that part of 910 outside the city of Redmond)
- T 227 (part: BG 2, 4, 5, 6, B 106, 107, 109, 301–304, 307–309, 312–314, 316–318, and those parts of 110, 112, 113, 305 inside the city of Kirkland)
- T 241
- T 242
- T 323.01 (part: BG 1, 5, B 201–209, 212, 952, and that part of 953 outside the city of Redmond)
- T 323.02
- T 324

In Kitsap County:

- T 901
- T 902
- T 903
- T 903.99
- T 904
- T 905
- T 906
- T 907
- T 908
- T 909
- T 910
- T 911

T 912  
T 913  
T 914  
T 915  
T 916  
T 917  
T 918  
T 919

In Snohomish County:

CCD 135  
CCD 146  
T 416.02  
T 417 (part: BG 2, 3, B 107, 108, 110, 111, 115, 116, and those parts of 113 and 114 outside the city of Everett)  
T 418.02 (part: BG 3, 4, 5, B 929, and those parts of 907 and 930 outside the city of Everett)  
T 419 (part: BG 2, 3, B 106, 110, 112–116, 904–908, and those parts of 109, 902, 918 outside the city of Everett)

NEW SECTION. Sec. 7. The Second congressional district shall consist of the following areas:

All of Clallam County

In Grays Harbor County:

CCD 11  
CCD 16  
CCD 21  
CCD 26  
CCD 36  
CCD 51  
CCD 61  
CCD 66

All of Island County

All of Jefferson County

In King County:

T 329

All of Mason County

All of San Juan County

All of Skagit County

In Snohomish County:

CCD 131  
CCD 133  
CCD 142

CCD 144

CCD 150

CCD 153

CCD 156

CCD 160

CCD 165

CCD 170

T 401

T 401.99

T 402

T 403

T 404

T 404.99

T 405

T 406

T 407

T 408

T 408.99

T 409

T 410

T 411

T 412

T 413

T 414

T 415

T 416.01

T 417 (part: B 101, 104, 112, and those parts of 113 and 114 inside the city of Everett)

T 418.01

T 418.02 (part: The parts of B 907 and 930 inside the city of Everett)

T 419 (part: B 101-104, 107, 108, 117, 911, 917, 919, and those parts of B 109, 902, 918 inside the city of Everett)

All of Whatcom County

NEW SECTION, Sec. 8. The Third congressional district shall consist of the following areas:

In Clark County:

T 401

T 402

T 403

T 404.01

T 404.02

T 405.01

T 405.02 (part: B 105, 106, 107, 113, 116, 903, 910, 911, and those parts of 114, 909, 913 inside the city of Washougal)

T 405.03

T 406

T 407.01

T 407.02

T 408.01

T 408.02

T 409.01

T 409.02

T 410.02

T 410.03

T 410.04

T 410.05

T 411.01

T 411.03

T 411.04

T 412.01

T 412.02

T 413.01

T 413.02

T 413.03

T 414

T 415

T 416

T 417

T 418

T 419

T 420

T 421

T 423

T 424

T 425

T 426

T 426.99

T 427

T 428

T 429

T 430

T 431

All of Cowlitz County  
In Grays Harbor County:

CCD 6  
 CCD 31  
 CCD 41  
 CCD 46  
 CCD 56

All of Lewis County  
 All of Pacific County  
 In Pierce County:

T 732

All of Thurston County  
 All of Wahkiakum County

NEW SECTION. Sec. 9. The Fourth congressional district shall consist of the following areas:

All of Benton County  
 All of Chelan County  
 In Clark County:

T 405.02 (part: ED 891, 893, B 101–104, 108–112, 115, 117, and those parts of 114, 909, 913 outside the city of Washougal)

All of Douglas County  
 All of Franklin County  
 All of Grant County  
 All of Kittitas County  
 All of Klickitat County  
 All of Okanogan County  
 All of Skamania County  
 In Walla Walla County:

CCD 6 (part: ED 305)

All of Yakima County

NEW SECTION. Sec. 10. The Fifth congressional district shall consist of the following areas:

All of Adams County  
 All of Asotin County  
 All of Columbia County  
 All of Ferry County  
 All of Garfield County  
 All of Lincoln County  
 All of Pend Oreille County  
 All of Spokane County  
 All of Stevens County

In Walla Walla County

- CCD 6 (part: ED 304)
- CCD 16
- CCD 21
- CCD 26
- CCD 31

All of Whitman County

NEW SECTION. Sec. 11. The Sixth congressional district shall consist of the following areas:

In King County:

- T 304 (part: B 301 and that part of 410 inside the city of Milton)

In Kitsap County:

- T 801
- T 802
- T 803
- T 804
- T 805
- T 806
- T 807
- T 808
- T 809
- T 810
- T 811
- T 812
- T 813
- T 814
- T 814.99
- T 920
- T 921
- T 922
- T 923
- T 924
- T 925
- T 926
- T 927
- T 928
- T 929

In Pierce County:

- T 601
- T 602
- T 602.99

T 603  
T 604  
T 605  
T 606  
T 607  
T 608  
T 609.01  
T 609.02  
T 610  
T 611  
T 612  
T 613  
T 614  
T 615  
T 616.01  
T 616.02  
T 617  
T 618  
T 619  
T 620  
T 621  
T 622  
T 623  
T 624  
T 625  
T 626  
T 627  
T 628  
T 629  
T 630  
T 631  
T 632  
T 633  
T 634  
T 635  
T 705  
T 706  
T 707.01  
T 707.02  
T 708  
T 709  
T 710  
T 711  
T 712.01

T 712.02  
T 713.01  
T 713.02  
T 714.02  
T 715.01  
T 715.02  
T 716  
T 717  
T 718.01  
T 718.02  
T 719.01  
T 719.02  
T 720  
T 721.02  
T 721.03  
T 721.04  
T 723.01  
T 723.03  
T 723.04  
T 724.01  
T 724.02  
T 725  
T 725.99  
T 726  
T 727  
T 728  
T 729  
T 730  
T 731.02 (part: ED 304)  
T 733  
T 734.01  
T 734.02  
T 735

NEW SECTION. Sec. 12. The Seventh congressional district shall consist of the following areas:

In King County:

T 13  
T 17  
T 18  
T 19  
T 20  
T 26  
T 27



T 28  
T 29  
T 30  
T 33  
T 34  
T 35  
T 36  
T 37  
T 38  
T 43  
T 44  
T 45  
T 46  
T 47  
T 48  
T 49  
T 50  
T 51  
T 52  
T 53.01  
T 53.02  
T 54  
T 54.99  
T 59  
T 60  
T 61  
T 62  
T 63  
T 64  
T 65  
T 66  
T 66.99  
T 67  
T 68  
T 69  
T 70  
T 71  
T 72  
T 73  
T 74  
T 75  
T 76  
T 77  
T 78

T 79  
T 80  
T 81  
T 82  
T 83  
T 84  
T 85  
T 86  
T 87  
T 88  
T 89  
T 90  
T 91  
T 92  
T 93  
T 93.99  
T 94  
T 95  
T 96  
T 97  
T 98  
T 99  
T 99.99  
T 100  
T 101  
T 102  
T 103  
T 104  
T 105  
T 106  
T 107  
T 108  
T 109  
T 110  
T 111  
T 112  
T 113  
T 114  
T 115  
T 116  
T 117  
T 118  
T 119  
T 120

T 121  
T 252  
T 253  
T 254  
T 255  
T 256  
T 257  
T 258.01  
T 259  
T 260.01  
T 260.02  
T 261  
T 262  
T 263  
T 264  
T 265  
T 266  
T 267  
T 268  
T 269  
T 270  
T 271  
T 272  
T 273  
T 274  
T 275  
T 276  
T 280  
T 281  
T 282  
T 283  
T 284.01  
T 284.02  
T 284.03  
T 291  
T 292.01  
T 292.02  
T 293.01 (part: BG 2, 9)  
T 293.02 (part: BG 3, B 910, 911, 921, 929-931)  
T 297  
T 298.01

NEW SECTION. Sec. 13. The Eighth congressional district shall consist of the following areas:

## In King County:

- T 226.01 (part: BG 3, B 206–208, 401–404, 408, 409, 415)
- T 226.02 (part: BG 1, 4, B 906, 907, and that part of 910 inside the city of Redmond)
- T 227 (part: B 102, 103, and those parts of 110, 112, 113, 305 outside the city of Kirkland)
- T 228
- T 229
- T 230
- T 231
- T 232
- T 233
- T 234.01
- T 234.02
- T 235
- T 236
- T 237
- T 238.01
- T 238.02
- T 239
- T 240
- T 243
- T 244
- T 245
- T 246
- T 247
- T 248
- T 249
- T 250
- T 251
- T 258.02
- T 277.01
- T 277.02
- T 278
- T 279
- T 285
- T 286
- T 287
- T 288.01
- T 288.02
- T 289
- T 290
- T 293.01 (part: BG 1, 5)
- T 293.02 (part: BG 4, B 903, 907, 915, 918–920, 923–928)

- T 294.01
- T 294.02
- T 295
- T 296
- T 298.02
- T 299
- T 300.01
- T 300.02
- T 301
- T 302.01
- T 302.02
- T 303.01
- T 303.02
- T 303.03
- T 303.04
- T 304 (part: BG 1, 2, 5, B 306-308, 325-332, 340-345, 401-404, 406-409, 411-414, 416, and that part of 410 outside the city of Milton)
- T 305
- T 306
- T 307
- T 308
- T 309
- T 310
- T 311
- T 312.01
- T 312.02
- T 313
- T 314
- T 315
- T 316
- T 317.01
- T 317.02
- T 318
- T 319.01
- T 319.02
- T 320.01
- T 320.02
- T 320.03
- T 321.01
- T 321.02
- T 322.01
- T 322.02

- T 323.01 (part: B 210, 211, 213–227, 950, 951, 954–956, and that part of 953 inside the city of Redmond)
- T 323.03
- T 323.04
- T 323.05
- T 325
- T 326
- T 327
- T 328
- T 330
- T 331

In Pierce County:

- T 701
- T 702
- T 703.01
- T 703.02
- T 704
- T 714.01
- T 731.01
- T 731.02 (part: BG 2, ED 302, 303)

**NEW SECTION.** Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 29 RCW.

**NEW SECTION.** Sec. 15. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 2, Laws of 1982 and RCW 29.69.001;
- (2) Section 2, chapter 2, Laws of 1982 and RCW 29.69.002;
- (3) Section 3, chapter 2, Laws of 1982 and RCW 29.69.003;
- (4) Section 4, chapter 2, Laws of 1982 and RCW 29.69.004;
- (5) Section 5, chapter 2, Laws of 1982 and RCW 29.69.005;
- (6) Section 6, chapter 2, Laws of 1982 and RCW 29.69.006;
- (7) Section 7, chapter 2, Laws of 1982 and RCW 29.69.007;
- (8) Section 8, chapter 2, Laws of 1982 and RCW 29.69.010;
- (9) Section 9, chapter 2, Laws of 1982 and RCW 29.69.020;
- (10) Section 10, chapter 2, Laws of 1982 and RCW 29.69.030;
- (11) Section 11, chapter 2, Laws of 1982 and RCW 29.69.040;
- (12) Section 12, chapter 2, Laws of 1982 and RCW 29.69.050;
- (13) Section 13, chapter 2, Laws of 1982 and RCW 29.69.060;
- (14) Section 14, chapter 2, Laws of 1982 and RCW 29.69.070;
- (15) Section 15, chapter 2, Laws of 1982 and RCW 29.69.080; and
- (16) Section 16, chapter 2, Laws of 1982 and RCW 29.69.900.

NEW SECTION. Sec. 16. 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 18, 1983.
- Passed the Senate March 23, 1983.
- Approved by the Governor March 29, 1983.
- Filed in Office of Secretary of State March 29, 1983.

CHAPTER 18

[Senate Bill No. 3198]

DEPARTMENT OF TRANSPORTATION—APPROPRIATIONS—HOOD CANAL BRIDGE—CATEGORY C PROJECTS

AN ACT Relating to transportation; making appropriations; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is appropriated to the department of transportation the following amount for reconstruction of the Hood Canal bridge and for reimbursement of the federal government for federal emergency relief funds used to reconstruct the Hood Canal bridge.

Motor Vehicle Fund—Hood Canal Bridge

Account—State .....	\$ 44,000,000
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The appropriation is provided for the completion of units 1 and 2 of the Hood Canal bridge and other bridge completion costs and for the partial reimbursement of the federal government for federal emergency relief funds used in the reconstruction of the Hood Canal bridge.

NEW SECTION. Sec. 2. There is appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1983, the sum of twenty-five million dollars for the construction of state highway projects designated as category "C" under RCW 47.05.070.

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 February 22, 1983.
- Passed the House April 6, 1983.
- Approved by the Governor April 13, 1983.
- Filed in Office of Secretary of State April 13, 1983.

## CHAPTER 19

[Substitute House Bill No. 207]

## RAILROAD CROSSINGS—PLACEMENT OF SIGNS

AN ACT Relating to signs near railroad grade crossings; amending section 36.86.100, chapter 4, Laws of 1963 and RCW 36.86.100; and amending section 47.32.140, chapter 13, Laws of 1961 and RCW 47.32.140.

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

Sec. 1. Section 36.86.100, chapter 4, Laws of 1963 and RCW 36.86.100 are each amended to read as follows:

Each railroad company shall keep its right of way clear of all brush and timber in the vicinity of a railroad grade crossing with a county road for a distance of one hundred feet from the crossing in such a manner as to permit a person upon the road to obtain an unobstructed view in both directions of an approaching train. The ~~((board))~~ county legislative authority shall cause brush and timber to be cleared from the right of way of county roads in the proximity of a railroad grade crossing for a distance of one hundred feet from the crossing in such a manner as to permit a person traveling upon the road to obtain an unobstructed view in both directions of an approaching train. It ~~((shall be))~~ is unlawful to erect or maintain a sign, signboard, or billboard ~~((at or near a county road or railroad and within a distance of five hundred feet from the point of intersection at grade of the road and railroad and in such a way that it may obstruct the view or distract the attention of a person operating a vehicle or train and))~~ within a distance of one hundred feet from the point of intersection of the road and railroad grade crossing located outside the corporate limits of any city or town unless, after thirty days notice to the Washington utilities and transportation commission and the railroad operating the crossing, the county legislative authority determines that it does not obscure the sight distance of a person operating a vehicle or train approaching the grade crossing.

When a person who has erected or who maintains such a sign, signboard, or billboard or when a railroad company permits such brush or timber in the vicinity of a railroad grade crossing with a county road or permits the surface of a grade crossing to become inconvenient or dangerous for passage and who has the duty to maintain it, fails, neglects, or refuses to remove or cause to be removed such brush, timber, sign, signboard, or billboard, or maintain the surface of the crossing, the utilities and transportation commission upon complaint of the ~~((board))~~ county legislative authority or upon complaint of any party interested, or upon its own motion, shall enter upon a hearing in the manner now provided for hearings with respect to railroad-highway grade crossings, and make and enforce proper orders for the removal of the brush, timber, sign, signboard or billboard, or maintenance of the crossing~~((:PROVIDED, That))~~. Nothing in



this section (~~shall~~) prevents the posting or maintaining thereon of highway or road signs or traffic devices giving directions or distances for the information of the public when the signs conform to the "Manual for Uniform Traffic Control Devices" issued by the state (~~(highway commission)) department of transportation~~. The (~~(board)) county legislative authority shall inspect highway grade crossings and make complaint of the violation of any provisions of this section.~~

Sec. 2. Section 47.32.140, chapter 13, Laws of 1961 and RCW 47.32-.140 are each amended to read as follows:

Each railroad company shall keep its right of way clear of all brush and timber in the vicinity of a railroad grade crossing with a state highway for a distance of one hundred feet from the crossing in such manner as to permit a person upon the highway to obtain an unobstructed view in both directions of an approaching train. The (~~(Washington state highway commission)) department shall cause brush and timber to be cleared from the right of way of a state highway in the proximity of a railroad grade crossing for a distance of one hundred feet from the crossing in such manner as to permit a person upon the highway to obtain an unobstructed view in both directions of an approaching train. It (~~shall be~~) is unlawful to erect or maintain a sign, signboard, or billboard, except official highway signs and traffic devices and railroad warning or operating signs, (~~(at or near a grade crossing of a state highway and a railroad or within a distance of five hundred feet from the point of intersection of such highway and railroad)) outside the corporate limits of any city or town within a distance of one hundred feet from the point of intersection of the highway and railroad grade crossing unless, after thirty days notice to the Washington utilities and transportation commission and the railroad operating the crossing, the department determines that it does not obscure the sight distance of a person operating a vehicle or train approaching the grade crossing.~~~~

When a person who has erected or who maintains such a sign, signboard, or billboard or when a railroad company permits such brush or timber in the vicinity of a railroad grade crossing with a state highway or permits the surface of a grade crossing to become inconvenient or dangerous for passage and who has the duty to maintain it, fails, neglects, or refuses to remove or cause to be removed such brush, timber, sign, signboard, or billboard, or maintain the surface of the crossing, the utilities and transportation commission upon complaint of the (~~(highway commission)) department or upon complaint of any party interested, or upon its own motion, shall enter upon a hearing in the manner now provided for hearings with respect to railroad-highway grade crossings, and make and enforce proper orders for the removal of the brush, timber, sign, signboard or billboard, or maintenance of the crossing(~~(-PROVIDED, That)). However,~~ nothing in this section (~~shall~~) prevents the posting or maintaining of any legal notice or~~

sign, signal, or traffic device required or permitted to be posted or maintained, or the placing and maintaining thereon of highway or road signs or traffic devices giving directions or distances for the information of the public when the signs are approved by the ((commission)) department. The ((commission)) department shall inspect highway grade crossings and make complaint of the violation of any provisions of this section.

Passed the House February 16, 1983.

Passed the Senate April 6, 1983.

Approved by the Governor April 14, 1983.

Filed in Office of Secretary of State April 14, 1983.

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CHAPTER 20

[Senate Bill No. 3613]

GENDER—NEUTRAL LANGUAGE—STATUTES—RULES—  
PUBLICATIONS

AN ACT Relating to gender-neutral terms; adding a new section to chapter 43.01 RCW; adding a new section to chapter 44.04 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. It is the intent of the legislature to have the state's statutes, rules, and official communications expressed in gender-neutral terms.

NEW SECTION. Sec. 2. There is added to chapter 43.01 RCW a new section to read as follows:

(1) All rules and directory or advisory publications issued, adopted, or amended by state officers or agencies, as defined by RCW 41.06.020, after July 1, 1983, shall be written in gender-neutral terms unless a specification of gender is intended.

(2) No rule or publication is invalid because it does not comply with this section.

NEW SECTION. Sec. 3. There is added to chapter 44.04 RCW a new section to read as follows:

(1) All statutes, memorials, and resolutions enacted, adopted, or amended by the legislature after July 1, 1983, shall be written in gender-neutral terms unless a specification of gender is intended.

(2) No statute, memorial, or resolution is invalid because it does not comply with this section.

Passed the Senate March 26, 1983.

Passed the House April 7, 1983.

Approved by the Governor April 14, 1983.

Filed in Office of Secretary of State April 14, 1983.

## CHAPTER 21

[Substitute House Bill No. 24]

## SELF-INSURERS—CORRECTIVE ACTIONS BY THE DEPARTMENT OF LABOR AND INDUSTRIES

AN ACT Relating to self-insurers; amending section 33, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.090; and adding a new section to chapter 51.14 RCW.

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

Sec. 1. Section 33, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.090 are each amended to read as follows:

(1) Upon the petition of any employee(;) or union or association having a substantial number of employees in the employ of ((said)) the self-insurer the director shall hold a hearing to determine whether or not there are grounds for the withdrawal of certification of a self-insurer or for corrective action by the department.

((He)) (2) The director shall serve upon the self-insurer and upon any employee or union or association having a substantial number of employees in the employ of said self-insurer, personally or by certified mail, a notice of intention to withdraw, or not to withdraw, certification of the self-insurer, which notice shall describe the nature and location or locations of the plants or operations involved; and the specific nature of the reasons for ((his)) the decision. Similar notice shall be provided for decisions regarding corrective actions.

(3) If the decision is to withdraw certification, it shall include the period of time within which the ground or grounds therefor existed or arose; a directive to the self-insurer specifying the manner in which the grounds may be eliminated; and the date, not less than thirty days after the self-insurer's receipt of the notice, when the certification will be withdrawn in the absence of a satisfactory elimination of the grounds for withdrawal of the certificate.

((2)) (4) An appeal of ((such notice of intention to withdraw, or not to withdraw, certification of a self-insurer)) any action taken by the director under this section may be taken by the self-insurer, or by any employee(;) or union(;) or association having a substantial number of employees in the employ of ((said)) the self-insurer. Proceedings on ((such)) the appeal shall be as prescribed in this title. Appeal by a self-insurer of notice of intention to withdraw certification or to take corrective action shall not act as a stay of the withdrawal or corrective action, unless the board(;) or court, for good cause shown, orders otherwise.

NEW SECTION. Sec. 2. There is added to chapter 51.14 RCW a new section to read as follows:

(1) The director shall take corrective action against a self-insured employer if the director determines that:

(a) The employer is not following proper industrial insurance claims procedures;

(b) The employer's accident prevention program is inadequate; or

(c) Any condition described in RCW 51.14.080 (1) through (5) exists.

(2) Corrective actions may be taken upon the director's initiative or in response to a petition filed under RCW 51.14.090. Corrective actions which may be taken by the director shall include:

(a) Probationary certification for a period of time determined by the director;

(b) Mandatory training for employers in areas including claims management, safety procedures, and administrative reporting requirements; and

(c) Monitoring of the activities of the employer to determine progress towards compliance.

The director shall adopt rules defining the corrective actions which may be taken in response to a given condition.

Corrective actions shall be limited to those described in (a), (b), and (c) of this subsection.

(3) Upon the termination of the corrective action, the director shall review the employer's program for compliance with state statutes and regulations. A written report regarding the employer's compliance shall be provided to the employer and to any party to a petition filed under RCW 51.14.090. If the director determines that compliance has been attained, no further action shall be taken. If compliance has not been attained, the director may take additional corrective action as defined in this section, or proceed toward decertification as described in RCW 51.14.080.

(4) An employer may appeal any action taken by the director under this section. Proceedings during the appeal shall be as prescribed in this title. An appeal by a self-insurer shall not act as a stay of the corrective action, unless the board or court, for good cause shown, orders otherwise.

(5) This section shall not be construed to limit the responsibilities or authority of the department under RCW 51.14.080 or 51.14.090.

Passed the House February 24, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

CHAPTER 22

[Substitute House Bill No. 47]

MUNICIPAL RESEARCH COUNCIL—MOTOR VEHICLE FUND  
APPROPRIATIONS—NO ALLOTMENT REDUCTION—SUNSET  
TERMINATION

AN ACT Relating to the municipal research council; amending section 2, chapter 108, Laws of 1969 as last amended by section 129, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.110.010; amending section 32, chapter 99, Laws of 1979 and RCW 43.131.211;

amending section 74, chapter 99, Laws of 1979 and RCW 43.131.212; adding a new section to chapter 43.88 RCW; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 2, chapter 108, Laws of 1969 as last amended by section 129, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.110.010 are each amended to read as follows:

There shall be a state agency which shall be known as the municipal research council. The council shall be composed of eighteen members. Four members shall be appointed by the president of the senate, with equal representation from each of the two major political parties; four members shall be appointed by the speaker of the house of representatives, with equal representation from each of the two major political parties; one member shall be appointed by the governor(;;); and the other nine members, who shall be city officials, shall be appointed by the board of directors of the Association of Washington Cities. Of the members appointed by the association, at least one shall be an official of a city having a population of twenty thousand or more; at least one shall be an official of a city having a population of one thousand five hundred to twenty thousand; and at least one shall be an official of a town having a population of less than one thousand five hundred.

~~((No members shall be appointed by the speaker of the house of representatives until the second Monday in January, 1971, and no members shall be appointed by the president of the senate until the second Monday in January, 1973. In the meantime the governor shall appoint two additional members, one from each of the two major political parties, and the municipal research council shall consist of ten members only during such interim period until January, 1971.))~~

The terms of members shall be for two years and shall not be dependent upon continuance in legislative or city office. ~~((Vacancies shall be filled in the same manner as original appointments were made. The first members shall be appointed on or before July 31, 1969, and shall take office August 1, 1969.))~~ The terms of all members except legislative members shall commence on the first day of August in every odd-numbered year. The speaker of the house of representatives and the president of the senate shall make their appointments on or before the third Monday in January in each odd-numbered year, and the terms of the members thus appointed shall commence on the third Monday of January in each odd-numbered year. ~~((The terms of the two interim members appointed by the governor shall expire on the third Monday of January in each odd-numbered year until January, 1973, when they shall not be renewed.))~~ Certificates of appointment of all members shall be filed in the offices of the association within ten days after the appointments are made. ~~((The initial meeting of the council shall be held on or before September 1, 1969, and shall be called by the member who is an official of a city having a population of at least twenty thousand~~

~~who shall act as a temporary chairman. At such first meeting, the council shall elect a chairman and a vice chairman and appoint a secretary.))~~

Council members shall receive no compensation but shall be reimbursed ~~((from the municipal research account))~~ for travel expenses at rates in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, except that members of the council who are also members of the legislature shall be reimbursed ~~((from such account))~~ at the rates provided by RCW 44.04.120. ~~((None of the funds derived herein from motor vehicle excise taxes shall be used for any other expenses of the council.))~~

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

Appropriations of funds to the council from motor vehicle excise taxes shall not be subject to allotment by the office of financial management.

Sec. 3. Section 32, chapter 99, Laws of 1979 and RCW 43.131.211 are each amended to read as follows:

The municipal research council under chapter 43.110 RCW and its powers and duties shall be terminated on June 30, ~~((1983))~~ 1989, as provided in RCW 43.131.212.

Sec. 4. Section 74, chapter 99, Laws of 1979 and RCW 43.131.212 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1984))~~ 1990:

(1) Section 2, chapter 108, Laws of 1969, section 1, chapter 218, Laws of 1975 1st ex. sess., section 129, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.110.010; and

(2) Section 82.44.160, chapter 15, Laws of 1961, section 1, chapter 115, Laws of 1961, section 1, chapter 108, Laws of 1969, section 7, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.160.

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 June 30, 1983.

Passed the House February 25, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

## CHAPTER 23

[House Bill No. 83]

### HIGHER EDUCATION PERSONNEL BOARD—MEETING LOCATIONS

AN ACT Relating to hearings and meetings of the state higher education personnel board; and amending section 7, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.070.

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

Sec. 1. Section 7, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16-.070 are each amended to read as follows:

(1) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Public meetings shall be held on campuses of the various state institutions of higher education. Hearings and meetings which are not required to be open to the public under the Open Public Meetings act, chapter 42.30 RCW, may be held at locations other than institution campuses. Meetings may be called by the chairman of the board((;)) or a majority of the members of the board. Hearings may be called by the chairman of the board or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the personnel director, and all members of the board shall be notified.

(2) No release of material((;)) or statement of findings ((~~shall~~)) may be made except with the approval of a majority of the board.

(3) In the conduct of hearings or investigations, a member of the board, or the director of personnel, or the hearing officer appointed to conduct the hearing, may administer oaths.

Passed the House February 16, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

## CHAPTER 24

[House Bill No. 77]

### PORT DISTRICTS—PROPERTY ACQUISITION—PAYMENT PERIOD

AN ACT Relating to acquisition of property by port districts; and amending section 2, chapter 65, Laws of 1955 and RCW 53.08.010.

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

Sec. 1. Section 2, chapter 65, Laws of 1955 and RCW 53.08.010 are each amended to read as follows:

A port district may acquire by purchase, for cash or on deferred payments for a period not exceeding ((~~ten~~)) twenty years, or by condemnation, or both, all lands, property, property rights, leases, or easements necessary for its purposes and may exercise the right of eminent domain in the acquirement or damaging of all such lands, property, and property rights, and may levy and collect assessments upon property for the payment of all damages and compensation in carrying out its purposes, and such right shall be exercised in the same manner and by the same procedure as provided for cities of the first class insofar as consistent with this title, and in connection

therewith the county treasurer shall perform the duties of the treasurers of such cities.

Passed the House February 25, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

## CHAPTER 25

[Substitute House Bill No. 99]

### CRIMINAL INSANITY—CONFINEMENT—DISCHARGE—CRITERIA

AN ACT Relating to procedures governing defendants acquitted by reason of insanity; amending section 11, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 215, Laws of 1979 ex. sess. and RCW 10.77.110; and amending section 20, chapter 117, Laws of 1973 1st ex. sess. as amended by section 16, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.200.

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

Sec. 1. Section 11, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 215, Laws of 1979 ex. sess. and RCW 10.77.110 are each amended to read as follows:

If a defendant is acquitted of a felony by reason of insanity, and it is found that he is not a substantial danger to other persons, ~~((or))~~ and does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall direct his final discharge. If it is found that such defendant is a substantial danger to ~~((himself or others and in need of))~~ other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall order his hospitalization, or any appropriate alternative treatment less restrictive than detention in a state mental hospital, pursuant to the terms of this chapter. If it is found that such defendant is not a substantial danger to other persons, ~~((or))~~ and does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, but that he is in need of control by the court or other persons or institutions, the court shall direct his conditional release. If the defendant is acquitted by reason of insanity of a crime which is not a felony, the court shall order the defendant's release or order the defendant's continued custody only for a reasonable time to allow the county-designated mental-health professional to evaluate the individual and to proceed with civil commitment pursuant to chapter 71.05 RCW, if considered appropriate.

Sec. 2. Section 20, chapter 117, Laws of 1973 1st ex. sess. as amended by section 16, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.200 are each amended to read as follows:



(1) Upon application by the criminally insane or conditionally released person, the secretary shall determine whether or not reasonable grounds exist for final discharge. If the secretary approves the final discharge he then shall authorize said person to petition the court.

(2) The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for final discharge, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of his choice. If the petitioner is indigent, and he so requests, the court shall appoint a qualified expert or professional person to examine him. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney. The burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the petitioner may be finally discharged without substantial danger to other persons, ~~((or presents))~~ and without presenting a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

(3) Nothing contained in this chapter shall prohibit the patient from petitioning the court for final discharge or conditional release from the institution in which he or she is committed. The issue to be determined on such proceeding is whether the petitioner is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

Passed the House February 25, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

## CHAPTER 26

[Substitute House Bill No. 143]

### MOTOR VEHICLE FEES AND LICENSES—NONRESIDENT REFUNDS

AN ACT Relating to vehicle fees; amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 114, Laws of 1980 and RCW 46.01.140; amending section 51, chapter 37, Laws of 1980 and RCW 82.12.0251; amending section 82.44.120, chapter 15, Laws of 1961 as last amended by section 2, chapter 120, Laws of 1979 and RCW 82.44.120; amending section 67, chapter 299, Laws of 1971 ex. sess. as amended by section 4, chapter 123, Laws of 1979 and RCW 82.50.520; and repealing section 82.44-.070, chapter 15, Laws of 1961, section 5, chapter 139, Laws of 1969, section 2, chapter 54, Laws of 1974 ex. sess., section 234, chapter 158, Laws of 1979 and RCW 82.44.070.

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

Sec. 1. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 114, Laws of 1980 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, certificates of ownership, registration, or the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor, or other agent a fee of one dollar for each application in addition to any other fees required by law, which fee of one dollar, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. ~~((in the event that such))~~ If the fee is paid to another agent of the director, ((such)) the fee shall be used by ((such)) the agent to defray his expenses in handling the application: PROVIDED, That an agent of the county auditor is entitled to an additional service charge of one dollar and fifty cents: PROVIDED FURTHER, That ((in the event such)) if the fee is collected by the state patrol or the department of transportation, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 2. Section 51, chapter 37, Laws of 1980 and RCW 82.12.0251 are each amended to read as follows:

The provisions of this chapter shall not apply 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 or trailer 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 or nonresident members of the armed forces who are stationed in this state pursuant to military orders, 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.

Sec. 3. Section 82.44.120, chapter 15, Laws of 1961 as last amended by section 2, chapter 120, Laws of 1979 and RCW 82.44.120 are each amended to read as follows:

Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this chapter, and the director of licensing determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then he shall also be entitled to a refund of the entire excise tax collected under the provisions of this chapter. In case the director determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected and the state treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the department of revenue in cooperation with the department of licensing.

In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he has paid an erroneously excessive amount of excise tax, the department of licensing shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.

In any case where due to error, a person has been required to pay an excise tax pursuant to this chapter which amounts to an overpayment of five dollars or more, such person shall be entitled to a refund of the entire amount of such overpayment, regardless of whether or not a refund of the overpayment has been requested. Conversely, if due to error, the department or its agents has failed to charge and collect the full amount of the excise tax due, which underpayment is in the amount of five dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax.

~~((Any person authorized by the utilities and transportation commission to operate a motor vehicle for the conveyance of freight or passengers for hire as a common carrier or as a contract carrier, and so operating such vehicle partly within and partly outside of this state during any calendar year, shall be entitled to a refund of that portion of the full excise tax for such vehicle for such year that the mileage actually operated by such vehicle outside the state bears to the total mileage so operated both within and outside of the state. PROVIDED, If only one-half of the full excise fee was paid, the unpaid one-half shall be deducted from the amount of refund so determined. PROVIDED FURTHER, If only a one-half fee was paid, and the vehicle was operated in this state more than fifty percent of the total miles operated, a balance of the tax is due equal to an amount which is the~~

~~same percentage of the full excise fee as is the percentage of mileage the vehicle was operated in this state minus the one-half fee previously paid; and any balance due, is payable on or before the first day of June of the year in which the amount of the excise fee due the state has been determined, and until any such balance has been paid no identification plate or permit shall be thereafter issued for such vehicle or any other vehicle owned by the same person. Any claim for such refund shall be filed with the department of licensing at Olympia not later than December 31st of the calendar year following the year for which refund is claimed and any claim filed after said date shall not be allowed. When a claim is filed the applicant must therewith furnish to the department his affidavit, verified by oath, of the mileage so operated by such vehicle during the preceding year, within the state, outside of the state, and the total of all mileage so operated:))~~

If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds and the other refunds herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement(~~(, in the affidavit herein mentioned;))~~ under which he obtains any amount of refund to which he is not entitled under the provisions of this section, (~~(shall be))~~ is guilty of a gross misdemeanor.

Sec. 4. Section 67, chapter 299, Laws of 1971 ex. sess. as amended by section 4, chapter 123, Laws of 1979 and RCW 82.50.520 are each amended to read as follows:

The following travel trailers or campers are specifically exempted from the operation of this chapter:

(1) Any unoccupied travel trailer or camper when it is part of an inventory of travel trailers or campers held for sale by a manufacturer or dealer in the course of his business.

(2) A travel trailer or camper owned by any government or political subdivision thereof.

(3) A travel trailer or camper owned by a nonresident and currently licensed in another state, unless such travel trailer or camper (~~(shall remain in this state for a period of six months or more during the calendar year))~~ is required by law to be licensed in this state.

For the purposes of this subsection only, a camper owned by a nonresident shall be considered licensed in another state if the vehicle to which such camper is attached is currently licensed in another state.

(4) Travel trailers eligible to be used under a dealer's license plate, and taxed under RCW 82.44.030 while so eligible.

NEW SECTION. Sec. 5. Section 82.44.070, chapter 15, Laws of 1961, section 5, chapter 139, Laws of 1969, section 2, chapter 54, Laws of 1974

ex. sess., section 234, chapter 158, Laws of 1979 and RCW 82.44.070 are each repealed.

Passed the House March 8, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

## CHAPTER 27

[House Bill No. 144]

### MOTOR VEHICLE LICENSE PLATES—REGISTRATION YEAR— PERSONALIZED PLATES

AN ACT Relating to vehicle license plates; amending section 1, chapter 118, Laws of 1975 1st ex. sess. as amended by section 1, chapter 214, Laws of 1981 and RCW 46.16.006; amending section 46.16.290, chapter 12, Laws of 1961 and RCW 46.16.290; amending section 1, chapter 201, Laws of 1961 as amended by section 25, chapter 32, Laws of 1967 and RCW 46.16.370; and amending section 3, chapter 200, Laws of 1973 1st ex. sess. as amended by section 2, chapter 59, Laws of 1975 and RCW 46.16.565.

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

Sec. 1. Section 1, chapter 118, Laws of 1975 1st ex. sess. as amended by section 1, chapter 214, Laws of 1981 and RCW 46.16.006 are each amended to read as follows:

(1) The term "registration year" for the purposes of chapters 46.16, 82.44, and 82.50 RCW ((~~shall~~)) means the effective period of a vehicle license issued by the department. Such year ((~~shall~~)) commences at 12:01 a.m. on the date of the calendar year designated by the department and ((~~shall~~)) ends at 12:01 a.m. on the same date of the next succeeding calendar year. If a vehicle license previously issued in this state has been expired for more than thirty days and is renewed with a different registered owner, a new registration year is deemed to commence upon the date the expired license is renewed in order that the renewed license be useable for a full twelve-month period.

(2) Each registration year may be divided into twelve registration months. Each registration month ((~~shall~~)) commences on the day numerically corresponding to the day of the calendar month on which the registration year begins, and ((~~shall~~)) terminates on the numerically corresponding day of the next succeeding calendar month.

(3) ~~((Each registration year may be divided into four registration quarters, each consisting of three registration months. The first quarter shall commence with registration month one.~~

(4)) Where the term "last day of the month" is ((~~utilized~~)) used in chapters 46.16, 82.44, and 82.50 RCW in lieu of a specified day of any calendar month it ((~~shall~~)) means the last day of such calendar month or months irrespective of the numerical designation of that day.

~~((5) In the event)~~ (4) If the final day of a registration period ~~(quarter,)~~ or month falls on a Saturday, Sunday, or legal holiday, such period ~~(shall)~~ extends through the end of the next business day.

Sec. 2. Section 46.16.290, chapter 12, Laws of 1961 and RCW 46.16.290 are each amended to read as follows:

In any case of a valid sale or transfer of the ownership of any vehicle, the right to the certificates properly transferable therewith and to the vehicle license number plates ~~(shall)~~ passes to the purchaser or transferee, and it ~~(shall be)~~ is unlawful for the holder of such certificates or vehicle license number plates to fail, neglect, or refuse to endorse ~~((such))~~ the certificates and deliver ~~((such))~~ the vehicle license number plates to ~~((such))~~ the purchaser or transferee ~~(-PROVIDED, That)~~. If ~~((such))~~ the sale or transfer ~~((be))~~ is of a vehicle licensed by the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law, or, if the vehicle is licensed with personalized plates, amateur radio operator plates, medal of honor plates, disabled person plates, disabled veteran plates, or prisoner of war plates, the vehicle license number plates therefor shall be retained and may be displayed upon ~~((such))~~ a vehicle ~~((as may be procured))~~ obtained in replacement of the vehicle so sold or transferred.

Sec. 3. Section 1, chapter 201, Laws of 1961 as amended by section 25, chapter 32, Laws of 1967 and RCW 46.16.370 are each amended to read as follows:

(1) Every consul or other official representative of any foreign government who is a citizen of the United States of America, duly licensed and holding an exequatur issued by the department of state of the United States of America is entitled to apply to the director for, and upon satisfactory showing, to receive, in lieu of the regular motor vehicle license plates, such special plates of a distinguishing color and running in a separate numerical series, as the director shall prescribe. In addition to paying all other initial fees required by law ~~((there shall be collected from))~~, each applicant for such special license plates shall pay an additional license fee of twenty-five dollars upon the issue of such plates, which fee shall not apply for those years in which tabs are issued. Application for renewal of such license plates ~~((must be made by January 10th of each renewal year and all such applications shall be accompanied by a notarized statement of such facts as the director shall deem necessary for issuance thereof))~~ shall be as prescribed for the license renewal of other vehicles.

(2) Whenever such owner or lessee as provided in subsection (1) ~~((hereof))~~ of this section transfers or assigns his interest or title in the motor vehicle to which the special plates were attached, such plates shall be removed from the motor vehicle, and if another vehicle is acquired, attached thereto, and the director shall be immediately notified of such transfer of the plates; otherwise the removed plates shall be immediately forwarded to the director

to be reissued upon payment of the regular license fee. Whenever such owner or lessee as provided in subsection (1) (~~hereof shall~~) of this section is for any reason (~~be~~) relieved of his duties as such consul or official representative of a foreign government, he shall immediately forward the special plates to the director, who shall upon receipt thereof provide such plates as are otherwise provided by law.

Sec. 4. Section 3, chapter 200, Laws of 1973 1st ex. sess. as amended by section 2, chapter 59, Laws of 1975 and RCW 46.16.565 are each amended to read as follows:

Any person who is the registered owner of a passenger motor vehicle (~~not for hire~~), a motor truck (~~not powered by diesel fuel~~), a trailer, a camper, a private bus, or a motorcycle registered with the department or who makes application for an original registration or renewal registration of such vehicle or camper may, upon payment of the fee prescribed in RCW 46.16.585, apply to the department for personalized license plates, in the manner described in RCW 46.16.580, which plates shall be affixed to the vehicle or camper for which registration is sought in lieu of the regular license plates.

Passed the House February 8, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

## CHAPTER 28

[House Bill No. 174]

### JUDGMENTS—SATISFACTION—DESIGNATION OF CREDITORS AND DEBTORS

AN ACT Relating to judgments; amending section 6, chapter 60, Laws of 1929 and RCW 4.56.100; and amending section 307, page 75, Laws of 1869 as last amended by section 305, Code of 1881 and RCW 4.64.030.

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

Sec. 1. Section 6, chapter 60, Laws of 1929 and RCW 4.56.100 are each amended to read as follows:

When any judgment for the payment of money only shall have been paid or satisfied, the clerk of the court in which such judgment was rendered shall note upon the record in the execution docket satisfaction thereof giving the date of such satisfaction upon either the payment to such clerk of the amount of such judgment, costs and interest and any accrued costs by reason of the issuance of any execution, or the filing with such clerk of a satisfaction entitled in such action and identifying the same executed by the judgment creditor or his attorney of record in such action or his assignee acknowledged as deeds are acknowledged. Every satisfaction of judgment and every partial satisfaction of judgment which provides for the payment

of money shall clearly designate the judgment creditor and his or her attorney if any, the judgment debtor, the amount or type of satisfaction, whether the satisfaction is full or partial, the cause number, and the date of entry of the judgment. A certificate by such clerk of the entry of such satisfaction by him may be filed in the office of the clerk of any county in which an abstract of such judgment has been filed. When so satisfied by the clerk or the filing of such certificate the lien of such judgment shall be discharged.

Sec. 2. Section 307, page 75, Laws of 1869 as last amended by section 305, Code of 1881 and RCW 4.64.030 are each amended to read as follows:

All judgments shall be entered by the clerk, subject to the direction of the court, in the journal, and shall specify clearly the amount to be recovered, the relief granted, or other determination of the action. At the end of each judgment which provides for the payment of money, the following shall be succinctly summarized: The judgment creditor and the name of his or her attorney, the judgment debtor, the amount of the judgment, the interest owed to the date of the judgment, and the total of the taxable costs and attorney fees, if known at the time of the entry of the judgment. If the attorney fees and costs are not included in the judgment, they shall be summarized in the cost bill when filed. This information is included in the judgment to assist the county clerk in his or her record-keeping function.

Passed the House February 25, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

## CHAPTER 29

[Engrossed House Bill No. 184]

### DEPARTMENT OF TRANSPORTATION—CONTRACTS—INDEMNIFICATION PROVISION

AN ACT Relating to the department of transportation; amending section 1, chapter 58, Laws of 1979 ex. sess. and RCW 47.01.260; and declaring an emergency.

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

Sec. 1. Section 1, chapter 58, Laws of 1979 ex. sess. and RCW 47.01-.260 are each amended to read as follows:

(1) The department of transportation shall exercise all the powers and perform all the duties necessary, convenient, or incidental to the planning, locating, designing, constructing, improving, repairing, operating, and maintaining state highways, including bridges and other structures, culverts, and drainage facilities and channel changes necessary for the protection of state highways, and shall examine and allow or disallow bills for any work or services performed or materials, equipment, or supplies furnished.



(2) Subject to the limitations of RCW 4.24.115, the department, in the exercise of any of its powers, may include in any authorized contract a provision for indemnifying the other contracting party against specific loss or damages arising out of the performance of the contract.

(3) The department is authorized to acquire property as provided by law and to construct and maintain thereon any buildings or structures necessary or convenient for the planning, design, construction, operation, maintenance, and administration of the state highway system and to acquire property and to construct and maintain any buildings, structures, appurtenances, and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon state highways.

~~((3))~~ (4) The department is authorized to engage in planning surveys and may collect, compile, and analyze statistics and other data relative to existing and future highways and highway needs throughout the state, and shall conduct research, investigations, and testing as it deems necessary to improve the methods of construction and maintenance of highways and bridges.

NEW SECTION. Sec. 2. This 1983 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 8, 1983.

Passed the Senate April 6, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

## CHAPTER 30

[House Bill No. 216]

### MODEL TRAFFIC ORDINANCE

AN ACT Relating to the Model Traffic Ordinance; amending section 34, chapter 54, Laws of 1975 1st ex. sess. as amended by section 1, chapter 65, Laws of 1980 and RCW 46.90.200; amending section 50, chapter 54, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 25, Laws of 1982 and RCW 46.90.300; and declaring an emergency.

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

Sec. 1. Section 34, chapter 54, Laws of 1975 1st ex. sess. as amended by section 1, chapter 65, Laws of 1980 and RCW 46.90.200 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 16.24.065, 16.24.070, ~~((and))~~ 46.08.030; 46.10.010, 46.10.090, 46.10.100, 46.10.110, 46.10.120, 46.10.130, and 46.10.190.

Sec. 2. Section 50, chapter 54, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 25, Laws of 1982 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, 46.12.101, 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, 46.16.135, 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, 46.20.022, 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, 46.20.435, 46.20.440, 46.20.500, 46.20.510, 46.29.605, 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, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 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, 46.37.369, 46.37.375, 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, 46.37.465, 46.37.480, 46.37.490, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.44.010, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.041, 46.44.042, 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, 46.44.100, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, 46.44.180, 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, 46.52.104, 46.52.106, 46.52.108, 46.52.111, 46.52.112, 46.52.113, 46.52.114, 46.52.116, 46.52.117, 46.52.118, 46.52.119, 46.52.1192, 46.52.1194, 46.52.1196, 46.52.1198, 46.52.145, 46.52.160, 46.52.170, 46.52.180, 46.52.190, 46.52.200, 46.52.210, and 46.80.010.

**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 14, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

## CHAPTER 31

[House Bill No. 288]

## CORPORATIONS—VENUE

AN ACT Relating to corporations; and amending section 1, chapter 173, Laws of 1927 as amended by section 168, chapter 53, Laws of 1965 and RCW 4.12.025.

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

Sec. 1. Section 1, chapter 173, Laws of 1927 as amended by section 168, chapter 53, Laws of 1965 and RCW 4.12.025 are each amended to read as follows:

(1) An action may be brought in any county in which the defendant resides, or, if there be more than one defendant, where some one of the defendants resides at the time of the commencement of the action. For the purpose of this section, RCW (~~(4.12.025;)~~) 4.12.026, and 4.12.027, the residence of a corporation defendant shall be deemed to be in any county where the corporation: (a) Transacts business (~~((or))~~); (b) has an office for the transaction of business (~~((or))~~); (c) transacted business at the time the cause of action arose; or (d) where any person resides upon whom process may be served upon the corporation (~~((, unless hereinafter otherwise provided))~~).

(2) The venue of any action brought against a corporation, at the option of the plaintiff, shall be ~~((+))~~; (a) In the county where the tort was committed; ~~((2))~~ (b) in the county where the work was performed for said corporation; ~~((3))~~ (c) in the county where the agreement entered into with the corporation was made; or ~~((4))~~ (d) in the county where the corporation has its ~~((principal place of business))~~ residence.

Passed the House March 14, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

## CHAPTER 32

[Engrossed House Bill No. 348]

## CORPORATIONS—ADMINISTRATIVE DISSOLUTION

AN ACT Relating to corporations; amending section 10, chapter 99, Laws of 1980 as amended by section 39, chapter 35, Laws of 1982 and RCW 23A.28.125; amending section 108, chapter 53, Laws of 1965 as last amended by section 41, chapter 35, Laws of 1982 and RCW 23A.28.250; amending section 113, chapter 53, Laws of 1965 as last amended by section 42, chapter 35, Laws of 1982 and by section 3, chapter 45, Laws of 1982 and RCW 23A.32.050; amending section 124, chapter 53, Laws of 1965 as last amended by section 52, chapter 35, Laws of 1982 and RCW 23A.32.160; amending section 125, chapter 53, Laws of 1965 as amended by section 53, chapter 35, Laws of 1982 and RCW 23A.32.170; amending section 157, chapter 53, Laws of 1965 and RCW 23A.44.100;

adding new sections to chapter 23A.28 RCW; creating a new section; and declaring an emergency.

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

Sec. 1. Section 10, chapter 99, Laws of 1980 as amended by section 39, chapter 35, Laws of 1982 and RCW 23A.28.125 are each amended to read as follows:

(1) A domestic corporation shall be administratively dissolved by the secretary of state upon the conditions prescribed in this section when:

(a) The corporation has failed to file ~~((or complete))~~ the annual report required by this title or to pay the annual license fee required by this title, and a period of ~~((nine months))~~ sixty days has expired since the last day permitted for timely filing or payment, without the corporation having filed or made payment of all required fees and penalties;

(b) The corporation has failed for a period of ~~((thirty))~~ sixty days to appoint and maintain a registered agent in this state;

(c) The corporation has failed for ~~((thirty))~~ sixty days after change of its registered office or registered agent to file in the office of the secretary of state a statement of such change; or

(d) The department of revenue has certified to the secretary of state that the corporation has failed to file a tax return and that a period of one year has expired, since the last day permitted for timely filing, without the corporation ~~((s))~~ having filed and made payment of all required taxes and penalties.

(2) Prior to dissolving a corporation under subsection (1)~~((a))~~ of this section, the secretary of state shall give the corporation written notice of the corporation's delinquency or omission ~~((no later than the end of the sixth month of delinquency;))~~ by first class mail, postage prepaid, addressed to the corporation's registered ~~((office, or, if there is no registered office, to the))~~ agent. If, according to the records of the secretary of state, the corporation has no registered agent then such notice may be given by such mail addressed to the corporation at its last known address or at the address of any officer or director of the corporation, as shown by the records of the secretary of state. Notice is deemed to have been given five days after the date deposited in the United States mail correctly addressed with correct postage affixed. The notice ~~((shall identify the delinquency or omission and))~~ shall inform the corporation that the corporation shall be ~~((involuntarily))~~ administratively dissolved at the expiration of ~~((the ninth month of the delinquency or omission))~~ sixty days following the date the notice is deemed to be given, unless the corporation corrects the delinquency or omission ~~((If the ninth month expires and no correction of the delinquency or omission has been made, the secretary of state shall issue a certificate of involuntary dissolution))~~ within the sixty-day period.

~~(3) ((A corporation shall not be dissolved under subsection (1)(b) through (d) of this section unless the secretary of state has given the corporation not less than forty-five days notice of its delinquency or omission, by first class mail, postage prepaid, addressed to its registered office, or if there is no registered office, to the last known address of the corporation or any officer or director thereof, as shown by the records of the secretary of state, and unless the corporation has failed to correct the omission or delinquency before dissolution:~~

~~(4))~~ When a corporation has given cause for ~~((involuntary))~~ administrative dissolution and has failed to correct the delinquency or omission within sixty days following the date the notice is deemed to have been given as provided in this section, the secretary of state shall dissolve the corporation by preparing and filing ~~((and issuing))~~ a certificate of ~~((involuntary))~~ administrative dissolution containing a statement that the corporation has been dissolved and the ~~((date and))~~ reason for which it was dissolved. The original certificate of ~~((involuntary))~~ administrative dissolution shall be filed in the records of the secretary of state, and a copy of the certificate shall be mailed to the corporation's ~~((at its))~~ registered ~~((office or, if there is no registered office, to the last known address of the corporation or any))~~ agent. If, according to the records of the secretary of state, the corporation has no registered agent, then the copy of the certificate shall be mailed to the corporation at its last known address or at the address of any officer ~~((;))~~ or director ~~((, or incorporator))~~ of the corporation, as shown by the records of the secretary of state. Upon the filing of the certificate of ~~((involuntary))~~ administrative dissolution, the existence of the corporation shall cease, except as otherwise provided in this chapter, and its name shall be available to and may be adopted by another person or corporation after the dissolution.

~~((5))~~ (4) Any notice provided by the secretary of state under this section shall be designed to clearly identify and warn the recipient of the contents thereof. A delinquency notice shall provide a succinct and readable description of the delinquency or omission, the earliest date on which dissolution ~~((will))~~ may occur, and the action necessary to cure the delinquency or omission prior to dissolution.

~~((6))~~ (5) Prior to such dissolution the corporation's existence will not be affected nor will any of its rights, duties and obligations be impaired, except as otherwise provided in RCW 23A.44.120.

NEW SECTION. Sec. 2. There is added to chapter 23A.28 RCW a new section to read as follows:

(1) A corporation administratively dissolved under RCW 23A.28.125 may apply to the secretary of state for reinstatement within two years after the effective date of dissolution. An application filed within such two-year period may be amended or supplemented and any such amendment or supplement shall be effective as of the date of original filing. The application

filed under this section shall be filed under and by authority of those persons authorized to so act by subsection (6) of this section.

(2) The application shall:

(a) Recite the name of the corporation at the time of dissolution, and the effective date of its administrative dissolution;

(b) Provide an explanation to show that the grounds for administrative dissolution either did not exist or have been eliminated;

(c) State the name of the corporation (which may be reserved under RCW 23A.08.060);

(d) Appoint a registered agent and state the registered office address under RCW 23A.08.090; and

(e) Be accompanied by payment of applicable fees and penalties.

(3) If the secretary of state determines that the application conforms to law, and that all applicable fees have been paid, the secretary of state shall cancel the certificate of administrative dissolution, prepare and file a certificate of reinstatement, and mail a copy of the certificate of reinstatement to the corporation.

(4) Reinstatement under this section relates back to and takes effect as of the date of administrative dissolution. The corporate existence shall be deemed to have continued without interruption from that date.

(5) In the event the application for reinstatement states a corporate name which the secretary of state finds to be contrary to the requirements of RCW 23A.08.050, the application, amended application, or supplemental application shall be amended to adopt another corporate name which is in compliance with RCW 23A.08.050. In the event the reinstatement application so adopts a new corporate name, the articles of incorporation shall be deemed to have been amended to change the corporation's name to the name so adopted, effective as of the effective date of the certificate of reinstatement.

(6) The application shall be authorized by a majority of the persons who were directors at the time of administrative dissolution. If a sufficient number of the directors of any corporation desiring to apply for reinstatement are not available by reason of death or unknown address, the directors of the corporation or those remaining on the board, even if only one, may elect successors to such directors. In any case where there shall be no directors of the corporation available for the purposes aforesaid, the shareholders may elect a full board of directors, as provided by the bylaws of the corporation, and the board shall then elect such officers as are provided by law, by the articles of incorporation, or by the bylaws to carry on the business and affairs of the corporation. A special meeting of the shareholders for the purposes of electing directors may be called by any officer, director, or shareholder upon notice given under RCW 23A.08.260.

**NEW SECTION.** Sec. 3. There is added to chapter 23A.28 RCW a new section to read as follows:

(1) A corporation which has been dissolved by reason of the expiration of its period of duration may at any time during the period of two years following its dissolution amend its articles of incorporation so as to extend its period of duration.

(2) To achieve the extension authorized by subsection (1) of this section, the corporation shall file an application for extension. The application may be amended or supplemented and any such amendment or supplement shall be effective as of the date of the original application filing. The application to be filed under this section shall be authorized in the manner set forth in subsection (6) of this section, and shall be presented to the shareholders for approval in the manner set forth in RCW 23A.16.020 and 23A.16.030. The application, when so approved, shall, in addition to the information required by RCW 23A.16.040:

(a) State the date of the expiration of the period of corporate duration;

(b) Identify the amended period of duration, which may be perpetual or for a stated period of years;

(c) State the name of the corporation (which may be reserved under RCW 23A.08.060);

(d) Appoint a registered agent and state the registered office address under RCW 23A.08.090; and

(e) Be accompanied by payment of applicable fees and penalties.

(3) If the secretary of state determines that the application conforms to law and that all applicable fees have been paid, the secretary of state shall file the application for extension, prepare and file a certificate of extension and amendment, and mail a copy of the certificate of extension and amendment to the corporation.

(4) Extension under this section relates back to and takes effect as of the date of expiration of the corporation's period of duration. The corporate existence shall be deemed to have continued without interruption from that date.

(5) In the event the application for extension states a corporate name which the secretary of state finds to be contrary to the requirements of RCW 23A.08.050, the application, amended application, or supplemental application shall be amended to adopt another corporate name which is in compliance with RCW 23A.08.050. In the event the extension application so adopts a new corporate name, the articles of incorporation shall be deemed to have been amended to change the corporation's name to the name so adopted, effective as of the effective date of the certificate of extension and amendment.

(6) The application shall be authorized by a majority of the persons who were directors at the time of expiration of the corporation's period of duration. If a sufficient number of the directors of any corporation desiring to apply for extension are not available by reason of death or unknown address, the directors of the corporation or those remaining on the board, even

if only one, may elect successors to such directors. In any case where there shall be no directors of the corporation available for the purposes aforesaid, the shareholders may elect a full board of directors, as provided by the by-laws of the corporation, and the board shall then elect such officers as are provided by law, by the articles of incorporation or by the bylaws to carry on the business and affairs of the corporation. A special meeting of the shareholders for the purposes of electing directors may be called by any officer, director, or shareholder upon notice given in accordance with RCW 23A.08.260.

Sec. 4. Section 108, chapter 53, Laws of 1965 as last amended by section 41, chapter 35, Laws of 1982 and RCW 23A.28.250 are each amended to read as follows:

The dissolution of a corporation either: (1) By the issuance of a certificate of ~~((voluntary or involuntary))~~ dissolution by the secretary of state, or (2) by a decree of court, or (3) by expiration of its period of duration~~((, or (4) by reason of its failure to pay its annual license fee and file its annual report as required by law,))~~ shall not take away or impair any remedy available to or against such corporation, its directors, officers, or shareholders, for any right or claim existing, or any liability incurred, prior to such dissolution if action or other proceeding thereon is commenced within two years after the date of such dissolution. The directors of any such corporation shall hold title to the property of the corporation as trustees for the benefit of its creditors and shareholders. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name. The shareholders, directors, and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right, or claim. ~~((If such corporation was dissolved by the expiration of its period of duration, such corporation may amend its articles of incorporation at any time during such period of two years after expiration so as to extend its period of duration. If a corporation so amends its articles of incorporation to extend its period of duration and its name or a similar name has been taken or reserved, during the two years, by another person or corporation, the corporation extending its duration shall be required to adopt a name consistent with the requirements of this title and to amend its incorporation documents accordingly. The corporation shall also pay to the state all fees and penalties which would otherwise have been due had the corporate charter not expired:))~~

NEW SECTION. Sec. 5. There is added to chapter 23A.28 RCW a new section to read as follows:

(1) An application processing fee of fifty dollars shall be charged for an application for reinstatement or for extension under sections 2 and 3 of this act.



(2) An application processing fee of twenty-five dollars shall be charged for each amendment or supplement to an application for reinstatement or for extension.

(3) The corporation seeking reinstatement or extension shall pay the full amount of all annual corporation license fees which would have been assessed for the license years of the period of administrative dissolution or expiration, had the corporation been in active status, plus a surcharge of twenty-five percent, and the license fee for the year of reinstatement or extension.

(4) The penalties herein established shall be in lieu of any other penalties or interest which could have been assessed by the secretary of state under the corporation laws or which, under those laws, would have accrued during any period of delinquency, dissolution, or expiration of corporate duration.

Sec. 6. Section 113, chapter 53, Laws of 1965 as last amended by section 42, chapter 35, Laws of 1982 and by section 3, chapter 45, Laws of 1982 and RCW 23A.32.050 are each reenacted and amended to read as follows:

A foreign corporation, in order to procure a certificate of authority to transact business in this state, shall make application therefor to the secretary of state, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the name of the corporation does not contain the word "corporation", "company", "incorporated", or "limited", or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this state.

(3) The date of incorporation and the period of duration of the corporation.

(4) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(5) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this state.

(6) The names and respective addresses of the directors and officers of the corporation.

(7) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any within a class.

(8) A statement that a registered agent has been appointed and the name and address of such agent, and that a registered office exists and the address of such registered office is identical to that of the registered agent.

(9) The number of shares of capital stock which the company is authorized to issue and the par value of each share, and if such shares have no par value, then the value of the assets represented by nonpar shares.

(10) The portion of the capital stock of the company which is represented or to be represented, employed or to be employed in its business transacted or to be transacted in the state of Washington.

(11) The value of the property in or to be brought into, and the amount of capital to be used by the company in the state of Washington and the value of the property and capital owned or used by the company outside of the state of Washington.

(12) The date of the beginning of its current annual accounting period.

(13) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine whether such corporation is entitled to a certificate of authority to transact business in this state and to determine and assess the fees payable as in this title prescribed.

~~((+0))~~ (14) For any foreign agricultural cooperative association, evidence that the association has complied with the provisions of RCW 24.32.210.

Such application shall be made in the form prescribed by the secretary of state and shall be executed in duplicate by the corporation by one of its officers.

Such application shall be accompanied by a certificate of good standing which has been issued no more than sixty days before the date of filing of the application for a certificate of authority to do business in this state and has been certified to by the proper officer of the state or country under the laws of which it is incorporated.

Sec. 7. Section 124, chapter 53, Laws of 1965 as last amended by section 52, chapter 35, Laws of 1982 and RCW 23A.32.160 are each amended to read as follows:

(1) The certificate of authority of a foreign corporation to transact business in this state shall be revoked by the secretary of state upon the conditions prescribed in this section when:

(a) The corporation has failed to pay any fees(;) or penalties prescribed by this title when they have become due and payable(~~(, and such delinquency has extended for a period of nine months since the last day for timely payment of required fees)~~); or

(b) The corporation has failed to file ~~((or complete))~~ any annual report prescribed by this title, and such omission has extended for a period of ~~((nine months))~~ sixty days since the last day for timely filing; or

(c) The corporation has failed for ~~((thirty))~~ sixty days to appoint and maintain a registered agent in this state as required by this title; or

(d) The corporation has failed, for ~~((thirty))~~ sixty days after change of its registered office or registered agent, to file in the office of the secretary of state a statement of such change as required by this title; or

(e) The corporation has failed to file in the office of the secretary of state any amendment to its articles of incorporation or any articles of merger within the time prescribed by this title; or

(f) A misrepresentation has been made of any material matter in any application, report, affidavit or other document submitted by such corporation pursuant to this title; or

(g) The department of revenue has certified to the secretary of state that the corporation has failed to file a tax return and that a period of one year has passed since the last day permitted for timely filing of the return, without the corporation's having filed the return and made payment of all applicable taxes and penalties.

(2) Prior to revoking a certificate of authority under subsection (1) (~~((a) or (b))~~) of this section, the secretary of state shall give the corporation written notice of the corporation's delinquency or omission ((no later than the end of the sixth month of delinquency,)) by first class mail, postage prepaid, addressed to the corporation's registered ((office, or, if there is no registered office, to the last known address of any officer or director of the corporation, as shown by the records of the secretary of state)) agent. If, according to the records of the secretary of state, the corporation does not have a registered agent, the notice may be given by mail addressed to the corporation at its last known address or at the address of any officer or director of the corporation, as shown by the records of the secretary of state. Notice is deemed to have been given five days after the date deposited in the United States mail, correctly addressed, and with correct postage affixed. The notice shall ((identify the delinquency or omission, and shall)) inform the corporation that its certificate of authority shall be revoked at the expiration of ((the ninth month of the delinquency or omission)) sixty days following the date the notice has been deemed to have been given, unless it corrects the delinquency or omission((- If the ninth month expires and no correction of the delinquency or omission has been made, the secretary of state shall issue a certificate of revocation of the certificate of authority to do business in Washington.

(3) ~~No certificate of authority of a foreign corporation shall be revoked by the secretary of state under subsection (1) (c) through (g) of this section unless (a) the secretary of state shall have given the corporation not less than sixty days notice thereof by mail addressed to its registered office in this state or, if there is no registered office, to the last known address of any officer or director of the corporation, as shown by the records in the office of the secretary of state, and (b) the corporation shall fail prior to revocation to file the required statement of change of registered agent or registered office, or file such articles of amendment or articles of merger, or correct such misrepresentation, delinquency, or omission)) within the sixty-day period.~~

~~((4))~~ (3) Any notice provided by the secretary of state under this section shall be designed to clearly identify and warn the recipient of the contents thereof. A delinquency notice shall provide a succinct and readable

description of the delinquency or omission, the earliest date on which dissolution ~~((with))~~ may occur, and the action necessary to cure the delinquency or omission prior to dissolution.

~~((5))~~ (4) The attorney general may take such action regarding revocation of a certificate of authority as is provided by RCW 23A.28.130 through 23A.28.250, for the ~~((involuntary))~~ administrative dissolution of a domestic corporation. The procedures of RCW 23A.28.150 shall apply to any action under this section. The clerk of any superior court entering a decree of revocation of a certificate of authority shall file a certified copy, without cost or filing fee, with the office of the secretary of state.

Sec. 8. Section 125, chapter 53, Laws of 1965 as amended by section 53, chapter 35, Laws of 1982 and RCW 23A.32.170 are each amended to read as follows:

When a corporation has given cause for revocation and has failed to correct the delinquency or omission within sixty days after notice has been deemed to have been given under RCW 23A.32.125, the secretary of state shall revoke the corporation's authority to conduct business in this state.

Upon revoking any such certificate of authority, the secretary of state shall:

(1) Issue a certificate of revocation in duplicate containing a statement that the corporation's authority to conduct business is revoked and the reasons for the revocation;

(2) File one of such certificates in the secretary of state's office;

(3) Mail the other duplicate certificate to such corporation at its registered office in this state or, if there is no registered office, to the corporation at the last known address of any officer or director of the corporation, as shown by the records of the secretary of state.

Upon the filing of such certificate of revocation, the authority of the corporation to transact business in this state shall cease.

Sec. 9. Section 157, chapter 53, Laws of 1965 and RCW 23A.44.100 are each amended to read as follows:

(1) All persons who assume to act as a corporation without authority so to do shall be jointly and severally liable for all debts and liabilities incurred or arising as a result thereof.

(2) Subsection (1) of this section does not apply to any persons assuming to act as a corporation during a period of administrative dissolution if the corporation is subsequently reinstated under the provisions of sections 2 and 3 of this 1983 act.

NEW SECTION. Sec. 10. (1) Sections 2 and 3 of this act shall be construed to apply to all corporations administratively dissolved on or after January 1, 1983, and to all corporations whose period of corporate existence expired on or after January 1, 1983.

(2) Any corporation involuntarily dissolved by the secretary of state, under the applicable statutory requirements in effect between January 1, 1981, and December 31, 1982, may file an application for reinstatement under section 2 of this act not later than December 31, 1984.

(3) Any corporation whose period of duration expired at any time between July 1, 1982, and December 31, 1982, may file an application for extension under section 2 of this act not later than December 31, 1984.

(4) It is the intention of the legislature that this act be applied, construed, and interpreted as a remedial measure to permit in appropriate cases reinstatement or extension which might otherwise have been foreclosed from January 1, 1981, to the effective date of this act.

**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 February 25, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

## CHAPTER 33

[Engrossed House Bill No. 487]

### CHATEL LIENS—FILING PERIOD

AN ACT Relating to chattel liens; amending section 2, chapter 72, Laws of 1905 as amended by section 2, chapter 68, Laws of 1917 and RCW 60.08.020; and amending section 5, chapter 72, Laws of 1905 and RCW 60.08.060.

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

Sec. 1. Section 2, chapter 72, Laws of 1905 as amended by section 2, chapter 68, Laws of 1917 and RCW 60.08.020 are each amended to read as follows:

In order to make such lien effectual the lien claimant shall, within ((~~sixty~~)) ninety days from the date of delivery of such chattel to the owner, file in the office of the auditor of the county in which such chattel is kept, a lien notice, which notice shall state the name of the claimant, the name of the owner, a description of the chattel upon which the claimant has performed labor or furnished material, the amount for which a lien is claimed and the date upon which such expenditure of labor or material was completed, which notice shall be signed by the claimant or someone on his behalf, and may be in substantially the following form:



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, Paralyzed Veterans of America, Incorporated, American Ex-prisoners of War, and Veterans of World War I. The ~~((seven))~~ nine members representing each of the foregoing organizations shall each 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 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.

Passed the Senate March 3, 1983.

Passed the House April 11, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

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## CHAPTER 35

[Substitute Senate Bill No. 3645]  
 MENTAL HEALTH INSURANCE

AN ACT Relating to mental health insurance; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is added to chapter 48.21 RCW a new section to read as follows:

(1) Each group disability insurance contract which is issued, delivered, or renewed in this state on or after July 1, 1983, shall offer optional supplemental coverage for mental health treatment for the insured and the insured's covered dependents. Treatment shall be covered under the optional supplemental coverage if treatment is rendered by: (a) A physician licensed under chapter 18.71 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; or (c) a community mental health agency licensed by the department of social and health services pursuant to chapter 71.24 RCW. The treatment shall be covered at the usual and customary rates for such treatment. However, the treatment may be subject to contract provisions with respect to reasonable deductible amounts or copayments. In order to qualify for coverage under this section, a licensed community mental health agency shall have in effect a plan for quality assurance and peer review, and the treatment shall be supervised by a physician licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed under chapter 18.83 RCW.

(2) The group disability insurance contract may provide that the coverage for mental health treatment is waived for all covered members if the contract holder so states in advance in writing to the insurer.

NEW SECTION. Sec. 2. There is added to chapter 48.44 RCW a new section to read as follows:

(1) Each group contract for health care services under this chapter which is issued, delivered, or renewed in this state on or after July 1, 1983, shall offer optional supplemental coverage for mental health treatment for the insured and the insured's covered dependents. Treatment shall be covered under the optional supplemental coverage if treatment is rendered by: (a) A physician licensed under chapter 18.71 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; or (c) a community mental health agency licensed by the department of social and health services pursuant to chapter 71.24 RCW. The treatment shall be covered at the usual and customary rates for such treatment. However, the treatment may be subject to contract provisions with respect to reasonable deductible amounts or copayments. In order to qualify for coverage under this section, a licensed community mental health agency shall have in effect a plan for quality assurance and peer review, and the treatment shall be supervised by a physician licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed under chapter 18.83 RCW.

(2) The group contract for health care services may provide that the coverage for mental health treatment is waived for all covered members if the contract holder so states in advance in writing to the health care service contractor.



NEW SECTION. Sec. 3. There is added to chapter 48.46 RCW a new section to read as follows:

(1) Each group health maintenance agreement which is issued, delivered, or renewed in this state on or after July 1, 1983, shall offer optional supplemental coverage for mental health treatment to the enrolled participant and the enrolled participant's covered dependents. Treatment shall be covered under the optional supplemental coverage if treatment is rendered by the health maintenance organization or if the health maintenance organization refers the enrolled participant or the enrolled participant's covered dependents for treatment to: (a) A physician licensed under chapter 18.71 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; or (c) a community mental health agency licensed by the department of social and health services pursuant to chapter 71.24 RCW. The treatment shall be covered at the usual and customary rates for such treatment. However, the treatment may be subject to contract provisions with respect to reasonable deductible amounts or copayments. In order to qualify for coverage under this section, a licensed community mental health agency shall have in effect a plan for quality assurance and peer review, and the treatment shall be supervised by a physician licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed under chapter 18.83 RCW.

(2) The group health maintenance agreement may provide that the coverage for mental health treatment is waived for all covered members if the contract holder so states in advance in writing to the health maintenance organization.

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 July 1, 1983.

Passed the Senate March 22, 1983.

Passed the House April 12, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

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## CHAPTER 36

[Substitute Senate Bill No. 4022]

### INSURANCE COMMISSIONER JURISDICTION

AN ACT Relating to insurance; and adding a new chapter to Title 48 RCW.

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

NEW SECTION. Sec. 1. Notwithstanding any other provision of law, and except as provided in this chapter, any person or other entity which provides coverage in this state for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether the coverage is by direct payment, reimbursement, the providing of services, or otherwise, shall be subject to the authority of the state insurance commissioner, unless the person or other entity shows that while providing the services it is subject to the jurisdiction and regulation of another agency of this state, any subdivisions thereof, or the federal government.

NEW SECTION. Sec. 2. A person or entity may show that it is subject to the jurisdiction and regulation of another agency of this state, any subdivision thereof, or the federal government, by providing to the insurance commissioner the appropriate certificate, license, or other document issued by the other governmental agency which permits or qualifies it to provide the coverage as defined in section 1 of this act.

NEW SECTION. Sec. 3. Any person or entity which is unable to show under section 2 of this act that it is subject to the jurisdiction and regulation of another agency of this state, any subdivision thereof, or the federal government, shall submit to an examination by the insurance commissioner to determine the organization and solvency of the person or the entity, and to determine whether or not such person or entity complies with the applicable provisions of this title.

NEW SECTION. Sec. 4. Any person or entity unable to show that it is subject to the jurisdiction and regulation of another agency of this state, any subdivision thereof, or the federal government, shall be subject to all appropriate provisions of this title regarding the conduct of its business.

NEW SECTION. Sec. 5. Any production agency or administrator which advertises, sells, transacts, or administers the coverage in this state described in section 1 of this act and which is required to submit to an examination by the insurance commissioner under section 3 of this act, shall, if the coverage is not fully insured or otherwise fully covered by an admitted life or disability insurer or health care service contractor or health maintenance organization agreement, advise every purchaser, prospective purchaser, and covered person of the lack of insurance or other coverage.

Any administrator which advertises or administers the coverage in this state described in section 1 of this act and which is subject to an examination by the insurance commissioner under section 3 of this act shall advise any production agency of the elements of the coverage, including the amount of "stop-loss" insurance in effect.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 48 RCW.

Passed the Senate March 21, 1983.

Passed the House April 12, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 37

[Engrossed House Bill No. 32]

### CREDIT UNIONS—CORPORATIONS—PROCEDURES—DISTRESSED CREDIT UNIONS—POWERS OF SUPERVISORS

AN ACT Relating to credit unions; amending section 12, chapter 173, Laws of 1933 as last amended by section 2, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.160; amending section 14, chapter 173, Laws of 1933 as last amended by section 3, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.180; amending section 21, chapter 173, Laws of 1933 as last amended by section 4, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.240; amending section 4, chapter 245, Laws of 1977 ex. sess. and RCW 31.12.325; amending section 27, chapter 173, Laws of 1933 as last amended by section 12, chapter 81, Laws of 1981 and RCW 31.12.330; adding new sections to chapter 31.12 RCW; and declaring an emergency.

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

Sec. 1. Section 12, chapter 173, Laws of 1933 as last amended by section 2, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.160 are each amended to read as follows:

The annual meeting of the corporation shall be held at such time and place as the bylaws prescribe, but not later than ninety days after the close of the fiscal year. Special meetings may be called at any time by a majority of the directors, and shall be called by the secretary upon written application of ten percent or more of the voting members of the corporation. Notice of all meetings of the corporation and of all meetings of the directors and of committees shall be given as provided in the bylaws. No member may vote by proxy or have more than one vote, and after a credit union has been incorporated for one year, no member may vote until he has been a member for three months. Ballot voting by mail may be authorized by the board of directors as prescribed in the bylaws. To be eligible to vote a member must have not less than one fully paid share. A fraternal organization, voluntary association, partnership, or corporation having a membership in a credit union may cast one vote at any of its meetings by its authorized agent who shall be an officer of that voting organization.

Sec. 2. Section 14, chapter 173, Laws of 1933 as last amended by section 3, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.180 are each amended to read as follows:

The directors at their first meeting after the annual meeting shall elect from their own number a president(~~(, one or more vice presidents)~~) or

chairperson, one or more vice presidents or vice chairpersons, a secretary, a treasurer, and such other officers as may be necessary for the transaction of the business of the credit union, who shall be the officers of the corporation and who shall hold office until their successors are elected and qualified unless sooner removed as hereinafter provided: PROVIDED, That the treasurer need not be a director. The board ((~~shall~~)) may select a credit committee composed of three or more members of the credit union, who need not be board members. The offices of secretary and treasurer may be held by the same person. No director shall be a member of both the credit and auditing committee, and no more than one director shall serve on the auditing committee. The board may select an investment committee of not less than three members of the credit union, who need not be board members. No director shall be a member of both the investment and auditing committee. Each officer and employee handling funds of the credit union shall give bond to the directors in such amount and with such surety and conditions as the supervisor may prescribe.

Sec. 3. Section 21, chapter 173, Laws of 1933 as last amended by section 4, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.240 are each amended to read as follows:

The establishing or continuance of a credit committee may occur at the option of the board of directors of the credit union. If a credit committee is established or continued in operation, the credit committee shall hold meetings at least once a month; act on all applications for loans; and approve in writing all loans granted and any security pledged therefor.

No loans shall be made unless all the members of the credit committee who are present when the application is considered, which number shall constitute at least two-thirds of the members of the committee, approve such loan, except as provided in RCW 31.12.245. The credit committee may be established in such numbers and at such places as is necessary to serve member needs, with a minimum of two members needed for loan approval: PROVIDED, That such extension of service is approved by the supervisor. No loan shall be granted unless it promises to be of benefit to the borrower. A borrower shall have not less than one fully paid share.

Sec. 4. Section 4, chapter 245, Laws of 1977 ex. sess. and RCW 31.12-.325 are each amended 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, and to prospective merger partners or liquidating agents of distressed credit unions. 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.

Sec. 5. Section 27, chapter 173, Laws of 1933 as last amended by section 12, chapter 81, Laws of 1981 and RCW 31.12.330 are each amended to read as follows:

The expenses of a credit union shall be paid from its earnings. No credit union shall pay or become liable to pay in any calendar year as salaries, fees, wages, or other compensations to officers, directors, agents, attorneys, clerks, and employees and for rent, advertising, and all other operating expenses, sums of money, the aggregate of which exceeds seven and one-half percent of the average amount of the assets of the union during such year: **PROVIDED**, That a credit union shall not thereby be limited in its expenditures to a sum less than six hundred dollars in any calendar year; **PROVIDED FURTHER**, That forbearance may be granted if, in the supervisor's opinion (1) circumstances warrant it, and (2) waiver will not jeopardize the financial condition of the credit union. Payment of dividends will be suspended during any period in which the expense ratio exceeds seven and one-half percent, unless payment is specifically approved by the supervisor. No credit union shall pay any fee, commission, or other compensation, directly or indirectly, to a person for soliciting the purchase of or selling its shares of stock or for soliciting loans or deposits.

**NEW SECTION.** Sec. 6. There is added to chapter 31.12 RCW a new section to read as follows:

(1) The supervisor may issue and serve upon a credit union a notice of charges if in the opinion of the supervisor the credit union:

(a) Is engaging or has engaged in an unsafe or unsound practice in conducting the business of the credit union;

(b) Is violating or has violated a material provision of any law, rule, or any condition imposed in writing by the supervisor in connection with the granting of any application or other request by the credit union or any written agreement made with the supervisor; or

(c) Is about to do the acts prohibited in (a) or (b) of this subsection if 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 credit union. 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 credit union.

Unless the credit union appears 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 credit union an order to cease and desist from the violation or practice. The order may require the credit union and its directors, officers, employees, and agents to cease and desist from the violation or practice and may require the credit union 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 credit union 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. 7. There is added to chapter 31.12 RCW a new section to read as follows:

Whenever the supervisor determines that the acts specified in section 6 of this act or their continuation is likely to cause insolvency or substantial dissipation of assets or earnings of the credit union or to otherwise seriously prejudice the interests of its depositors, members, or shareholders, the supervisor may also issue a temporary order requiring the credit union to cease and desist from the violation or practice. The order shall become effective upon service on the credit union and shall remain effective unless set aside, limited, or suspended by a court in proceedings under section 8 of this 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 credit union under section 6 of this act.

NEW SECTION. Sec. 8. There is added to chapter 31.12 RCW a new section to read as follows:

Within ten days after a credit union has been served with a temporary cease and desist order, the credit union 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 7 of this act.

The superior court shall have jurisdiction to issue the injunction.

NEW SECTION. Sec. 9. There is added to chapter 31.12 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 7 of this act, the supervisor may apply to the superior court of the county of the principal place of business of the credit union 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.

NEW SECTION, Sec. 10. There is added to chapter 31.12 RCW a new section to read as follows:

(1) Any administrative hearing provided in section 6 of this 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 the supervisor shall issue and serve upon each party to the proceeding an order or orders consistent with section 6 of this act.

Unless a petition for review is timely filed in the superior court of the county of the principal place of business of the affected association 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 the supervisor deems 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 6, 7, or 9 of this 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 association 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 is 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 6 or 7 of this 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. 11. There is added to chapter 31.12 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 credit union affected for the enforcement of any effective and outstanding order issued under sections 6, 7, or 9 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 8 and 10 of this act.

NEW SECTION. Sec. 12. There is added to chapter 31.12 RCW a new section to read as follows:

A credit union may petition the superior court of the state of Washington for Thurston county for the review of any decision, ruling, requirement or other action or determination of the supervisor, by filing its complaint, duly verified, with the clerk of the court and serving a copy thereof upon the supervisor. Upon the filing of the complaint, the clerk of the court shall docket the same as a cause pending therein.

The supervisor may answer the complaint and the petitioner reply thereto, and the cause shall be heard before the court as in other civil actions. Both the petitioner and the supervisor may appeal from the decision of the court to the supreme court or the court of appeals of the state of Washington.

NEW SECTION. Sec. 13. There is added to chapter 31.12 RCW a new section to read as follows:

When a liquidating agent absorbs and agrees to serve the membership of a distressed credit union the supervisor may approve a pooling of assets and liabilities rather than a distribution of assets.

NEW SECTION. Sec. 14. 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 11, 1983.

Passed the Senate April 6, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 38

[House Bill No. 78]

## WATER AND SEWER DISTRICTS—SMALL WORKS ROSTER

AN ACT Relating to water and sewer districts; amending section 44, chapter 210, Laws of 1941 as last amended by section 1, chapter 137, Laws of 1979 ex. sess. and RCW 56.08.070; and amending section 21, chapter 114, Laws of 1929 as last amended by section 2, chapter 137, Laws of 1979 ex. sess. and RCW 57.08.050.

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

Sec. 1. Section 44, chapter 210, Laws of 1941 as last amended by section 1, chapter 137, Laws of 1979 ex. sess. and RCW 56.08.070 are each amended to read as follows:

(1) All materials purchased and work ordered, the estimated cost of which is in excess of five thousand dollars shall be let by contract. All contract projects, the estimated cost of which is less than (~~twelve thousand five hundred~~) twenty-five thousand dollars, may be awarded to a contractor on the small works roster. The small works roster shall be comprised of all responsible contractors who have requested to be on the list. The board of sewer commissioners may set up uniform procedures to prequalify contractors for inclusion on the small works roster. The board of sewer commissioners shall authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised every six months. All contract projects equal to or in excess of (~~twelve thousand five hundred~~) twenty-five thousand dollars shall be let by competitive bidding. Before awarding any competitive contract the board of sewer commissioners shall cause a notice to be published in a newspaper in general circulation where the district is located at least once, ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of sewer commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of sewer commissioners on or before the day and hour named therein.

(2) Each bid shall be accompanied by a bid proposal deposit in the form of a certified check, cashier's check, postal money order, or surety bond payable to the order of the county treasurer for a sum not less than five

percent of the amount of the bid and no bid shall be considered unless accompanied by such bid proposal deposit. At the time and place named such bids shall be publicly opened and read and the board of sewer commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications: PROVIDED, That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the board of sewer commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If such contract be let, then all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of sewer commissioners in the full amount of the contract price between the bidder and the commission in accordance with bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check, cash or bid bonds and the amount thereof shall be forfeited to the sewer district.

(3) In the event of an emergency when the public interest or property of the sewer district would suffer material injury or damage by delay, upon resolution of the board of sewer commissioners, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting the same, the board, or the official acting for the board, may waive the requirements of this chapter with reference to any purchase or contract.

Sec. 2. Section 21, chapter 114, Laws of 1929 as last amended by section 2, chapter 137, Laws of 1979 ex. sess. and RCW 57.08.050 are each amended to read as follows:

(1) The board of water commissioners shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide.

(2) All materials purchased and work ordered, the estimated cost of which is in excess of five thousand dollars shall be let by contract. All contract projects, the estimated cost of which is less than (~~twelve thousand five hundred~~) twenty-five thousand dollars, may be awarded to a contractor on the small works roster. The small works roster shall be comprised of all responsible contractors who have requested to be on the list. The board of water commissioners may set up uniform procedures to prequalify contractors for inclusion on the small works roster. The board of water commissioners shall authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith

effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised every six months. All contract projects equal to or in excess of (~~twelve thousand five hundred~~) twenty-five thousand dollars shall be let by competitive bidding. Before awarding any such contract the board of water commissioners shall cause a notice to be published in a newspaper in general circulation where the district is located at least once ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of water commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of water commissioners on or before the day and hour named therein.

(3) Each bid shall be accompanied by a certified or cashier's check or postal money order payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated damages the amount specified in the bond, unless he enters into a contract in accordance with his bid, and no bid shall be considered unless accompanied by such check, cash or bid bond. At the time and place named such bids shall be publicly opened and read and the board of water commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting his own plans and specifications: **PROVIDED**, That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the board of water commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If such contract be let, then all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of water commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check, cash or bid bonds and the amount thereof shall be forfeited to the water district: **PROVIDED**, That if the bidder fails to enter into a contract in accordance with his bid, and the board of water commissioners deems it necessary to take legal action to collect on any bid bond required herein, then the water district shall

be entitled to collect from said bidder any legal expenses, including reasonable attorneys' fees occasioned thereby.

(4) In the event of an emergency when the public interest or property of the water district would suffer material injury or damage by delay, upon resolution of the board of water commissioners, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting the same, the board, or official acting for the board, may waive the requirements of this chapter with reference to any purchase or contract.

Passed the House February 4, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 39

[Engrossed House Bill No. 198]

### HEARING AIDS—DISPENSERS—LICENSING—CONSUMER REMEDIES

AN ACT Relating to hearing aids; amending section 1, chapter 106, Laws of 1973 1st ex. sess. as amended by section 38, chapter 158, Laws of 1979 and RCW 18.35.010; amending section 2, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.020; amending section 3, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.030; amending section 4, chapter 106, Laws of 1973 1st ex. sess. as amended by section 36, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.35.040; amending section 5, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.050; amending section 6, chapter 106, Laws of 1973 1st ex. sess. as amended by section 37, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.35.060; amending section 9, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.090; amending section 10, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.100; amending section 11, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.110; amending section 12, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.120; amending section 14, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.140; amending section 15, chapter 106, Laws of 1973 1st ex. sess. as amended by section 35, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.35.150; amending section 19, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.190; adding new sections to chapter 18.35 RCW; repealing section 13, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.130; repealing section 16, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.160; and prescribing penalties.

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

Sec. 1. Section 1, chapter 106, Laws of 1973 1st ex. sess. as amended by section 38, chapter 158, Laws of 1979 and RCW 18.35.010 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Department" means the department of licensing.
- (2) "Council" means the council on hearing aids.

(3) "Hearing aid" means any wearable prosthetic instrument or device designed for or represented as aiding, improving, compensating for, or correcting defective human hearing and any parts, attachments, or accessories

of such an instrument or device, excluding batteries and cords and ear molds.

(4) "Fitting and dispensing of hearing aids" means the sale, lease, or rental or attempted sale, lease, or rental of hearing aids together with the selection and adaptation of hearing aids and the use of those tests and procedures essential to the performance of these functions. It includes the taking of impressions for ear molds for these purposes.

(5) "Director" means the director of licensing.

(6) "Establishment" means any facility engaged in the fitting and dispensing of hearing aids.

Sec. 2. Section 2, chapter 106, Laws of 1973 1st ex. sess. and RCW 18-.35.020 are each amended to read as follows:

No person shall engage in the fitting and dispensing of hearing aids or imply or represent that he or she is engaged in the fitting and dispensing of hearing aids unless he or she holds a valid license issued by the department as provided in this chapter. The owner or manager of a hearing aid establishment is responsible under this chapter for all transactions made in the establishment name or conducted on its premises by agents or employees of the establishment engaged in fitting and dispensing hearing aids. Every establishment shall have in its employ at least one licensed fitter-dispenser at all times, and shall annually submit proof that all audiometric equipment at that establishment has been properly calibrated.

Sec. 3. Section 3, chapter 106, Laws of 1973 1st ex. sess. and RCW 18-.35.030 are each amended to read as follows:

Any person who engages in the fitting and dispensing of hearing aids shall ((deliver)) provide to each person ((supplied with or sold a hearing aid a receipt which shall contain his signature and show the address of his regular place of business and the number of his license, together with a description of the hearing aid furnished, including the term "used" or "reconditioned" if applicable, amount charged therefor, and terms of sale)) who enters into an agreement to purchase a hearing aid a receipt at the time of the agreement containing the following information:

(1) The seller's name, signature, license number, address, and phone number of his or her regular place of business;

(2) A description of the aid furnished, including make, model, and the term "used" or "reconditioned" if applicable;

(3) A disclosure of the cost of all services including but not limited to the cost of testing and fitting, the actual cost of the hearing aid furnished, the cost of ear molds if any, and the terms of the sale. These costs, including the cost of ear molds, shall be known as the total purchase price. The receipt shall also contain a statement of the purchaser's recision rights under this chapter and an acknowledgment that the purchaser has read and understands these rights. Upon request, the purchaser shall also be supplied

with a signed and dated copy of any hearing evaluation performed by the seller.

(4) At the time of delivery of the hearing aid, the purchaser shall also be furnished with the serial number of the hearing aid supplied.

Sec. 4. Section 4, chapter 106, Laws of 1973 1st ex. sess. as amended by section 36, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.35.040 are each amended to read as follows:

An applicant for license shall be at least eighteen years of age(;) and shall pay a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended(~~(, and shall show to the satisfaction of the department that he is free of any infectious or contagious disease which would involve undue risk to the public)~~). An applicant shall not be issued a license under the provisions of this chapter unless ~~((he))~~ the applicant:

(1) Satisfactorily completes the examination required by this chapter; or

(2) ~~((Has been engaged in the fitting and dispensing of hearing aids in the state of Washington for a period of six months immediately prior to July 16, 1973; PROVIDED, That any person receiving a license under this section shall be required to complete and pass the examination by the date on which the names of those persons who have passed the third examination subsequent to July 16, 1973, are disclosed by the department; or~~

~~(3))~~ Holds a current, unsuspended, unrevoked license or certificate from a state or jurisdiction with ~~((whom))~~ which the department has entered into a reciprocal agreement, and shows evidence satisfactory to the department that the applicant is licensed in good standing in the other jurisdiction; and

(3) Provides proof satisfactory to the department that the licensee has obtained the surety bond coverage required under this chapter.

Sec. 5. Section 5, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.050 are each amended to read as follows:

Except as otherwise provided in this chapter an applicant for license shall appear at a time and place and before such persons as the department may designate to be examined by written and practical tests. The department shall give an examination during the second full week in January and during the third full week in July each year. The examination shall be reviewed annually by the council and the department, and revised as necessary. No examination of any established association may be used as the exclusive replacement for the examination approved and developed by the council.

Sec. 6. Section 6, chapter 106, Laws of 1973 1st ex. sess. as amended by section 37, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.35.060 are each amended to read as follows:

(1) The department shall issue a trainee license to any applicant who has shown to the satisfaction of the department that:

- (a) ~~((He))~~ The applicant is at least eighteen years of age;  
 (b) ~~((He is free of any infectious or contagious disease;~~  
 (c)) If issued a trainee license, ((he)) would be employed and directly supervised in the fitting and dispensing of hearing aids by a person licensed ((under this chapter in a capacity other than trainee)) in good standing as a fitter-dispenser for at least one year unless otherwise approved by the council; and  
 ((d) He) (c) Has paid an application fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, to the department.

The provisions of RCW 18.35.030 and 18.35.110 through 18.35.130 shall apply to any person issued a trainee license. Pursuant to the provisions of this section, a person issued a trainee license may engage in the fitting and dispensing of hearing aids without having first passed the examination provided under this chapter.

(2) The trainee license shall contain the name of the person licensed under this chapter who is employing and supervising the trainee and that person shall execute an acknowledgment ((executed by such person that he is responsible)) of responsibility for all acts of the trainee in connection with the fitting and dispensing of hearing aids.

(3) A trainee may fit and dispense hearing aids, but only if ~~((he))~~ the trainee is under the ((direction and)) direct supervision of a person licensed under this chapter in a capacity other than as a trainee. Direct supervision by a licensed fitter-dispenser shall be required whenever the trainee is engaged in the fitting or dispensing of hearing aids during the trainee's first three months of full-time employment. The council shall develop and adopt guidelines on any additional supervision or training it deems necessary.

(4) The trainee license shall expire one year from the date of its issuance except that ~~((at the discretion of the department))~~ on recommendation of the council the license may be reissued for one additional year only.

(5) No person licensed under this chapter may assume the responsibility for more than ~~((three))~~ two trainees at any one time, ~~((unless approved in writing by the department))~~ except that the department may approve one additional trainee if none of the trainees is within the initial ninety-day period of direct supervision and the licensee demonstrates to the department's satisfaction that adequate supervision will be provided for all trainees.

Sec. 7. Section 9, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.090 are each amended to read as follows:

Each person who engages in the fitting and dispensing of hearing aids shall annually, on ~~((or before January 1st))~~ the anniversary of his or her license, or as the department prescribes by rule, pay to the department a fee ((of one hundred twenty-five dollars)) established by the director under RCW 43.24.085 for a renewal of ((his)) the license and shall keep ((such))



the license conspicuously posted ((at his)) in the place of business ((address)) at all times. A thirty-day grace period shall be allowed after ((January 1st,)) the applicable renewal date during which licenses may be renewed on payment of a penalty fee ((of one hundred fifty dollars to the department. The department may suspend the license of any person who fails to renew his license before the expiration of the thirty-day grace period)) established by the director under RCW 43.24.085. Any person who fails to renew his or her license prior to the expiration of the grace period must satisfy the requirements of this chapter for initial licensure, including taking a new examination. The director may by rule establish mandatory continuing education requirements and/or continued competency standards to be met by licensees as a condition for license renewal.

Sec. 8. Section 10, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.100 are each amended to read as follows:

(1) ((~~★~~)) Every person who holds a license under this chapter shall notify the department in writing of the regular address of the place or places in the state of Washington where ((he)) the person engages or intends to engage in the fitting and dispensing of hearing aids and of any change thereof within ((thirty)) ten days of such change. Failure to notify the department in writing shall be grounds for suspension or revocation of license.

(2) The department shall keep a record of the places of business of persons who hold licenses.

(3) Any notice required to be given by the department to a person who holds a license may be given by mailing it to ((him at)) the address of the last place of business of which ((he)) the person has notified the department, except that notice to a licensee of proceedings to deny, suspend, or revoke the license shall be by certified or registered mail or by means authorized for service of process.

Sec. 9. Section 11, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.110 are each amended to read as follows:

Any person licensed under this chapter may ((have his license suspended for a fixed period or be placed on probation by the department)) be subject to disciplinary action by the council for any of the following causes:

(1) The licensee, in the application for the license, or in any written or oral communication to the department concerning the issuance or retention of the license, has made any material misstatement of fact, or has omitted to disclose any material fact ((~~necessary to make~~)) which makes that which is stated ((not)) misleading.

(2) For unethical conduct, or for gross incompetence in dealing in hearing aids. Unethical conduct shall include, but not be limited to:

(a) Using or causing or promoting the use of, in any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is false, misleading or deceptive;

(b) Employing directly or indirectly any suspended or unlicensed person to perform any work covered by this chapter;

(c) Failing or refusing to honor or to perform as represented any representation, promise, agreement, or warranty in connection with the promotion, sale, dispensing, or fitting of the hearing aid;

(d) Advertising a particular model, type, or kind of hearing aid for sale which purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing and where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type, or kind than that advertised;

(e) Falsifying hearing test or evaluation results;

(f) (i) Whenever any of the following conditions are found or should have been found to exist either from observations by the licensee or on the basis of information furnished by the prospective hearing aid user(;) prior to fitting and dispensing a hearing aid to any such prospective hearing aid user, failing to advise that prospective hearing aid user in writing that ((he)) the user should first consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then to any duly licensed physician:

(A) Visible congenital or traumatic deformity of the ear, including perforation of the eardrum;

(B) History of, or active drainage from the ear within the previous ninety days;

(C) History of sudden or rapidly progressive hearing loss within the previous ninety days;

(D) Acute or chronic dizziness;

(E) Any unilateral hearing loss ((of sudden or recent onset within ninety days));

(F) Significant air-bone gap ((t)) when generally acceptable standards have been established((t)) as defined by the food and drug administration;

(G) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal;

(H) Pain or discomfort in the ear; or

(I) Any other conditions that the department may by rule establish((: PROVIDED, That it shall be)). It is a violation of this subsection for any licensee or ((his)) that licensee's employees and putative agents upon making such required referral for medical opinion to in any manner whatsoever disparage or discourage a prospective hearing aid user from seeking such medical opinion prior to the fitting and dispensing of a hearing aid((:AND PROVIDED FURTHER, That)). No such referral for medical opinion need be made by any licensee in the instance of replacement only of a hearing aid which has been lost or damaged beyond repair within ((one year)) six months of the date of purchase((:AND PROVIDED FURTHER, That)). The licensee or the licensee's employees or putative agents

shall obtain a signed statement from the hearing aid user documenting the waiver of medical clearance and the waiver shall inform the prospective user that signing the waiver is not in the user's best health interest: PROVIDED, That the licensee shall maintain a copy of either the physician's statement showing that the prospective hearing aid user has had a medical evaluation or the statement waiving medical evaluation, for a period of three years after the purchaser's receipt of a hearing aid. Nothing in this section required to be performed by a licensee shall mean that the licensee is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited ((by the provisions of this code)) under the laws of this state;

(ii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined and cleared for hearing aid use within the previous six months by a physician specializing in otolaryngology except in the case of replacement instruments or except in the case of the parents or guardian of such person refusing, for good cause, to seek medical opinion: PROVIDED, That should the parents or guardian of such person refuse, for good cause, to seek medical opinion, the licensee shall obtain from such parents or guardian a certificate to that effect in a form as prescribed by the department;

(iii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined by ((~~a clinical~~)) an audiologist who holds at least a master's degree in audiology for ((his)) recommendations during the previous six months, without first advising such person or his or her parents or guardian in writing that he or she should first consult ((~~a clinical~~)) an audiologist who holds at least a master's degree in audiology, except in cases of hearing aids replaced within six months of their purchase;

((~~f~~)) (g) Representing that the services or advice of a person licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW or of a clinical audiologist will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true, or using the word "doctor(~~;~~)," "clinic(~~;~~)," or other like words, abbreviations, or symbols which tend to connote a medical or osteopathic profession when such use is not accurate; ((or

(~~g~~)) (h) Permitting another to use his or her license(~~;~~);

(i) Stating or implying that the use of any hearing aid will restore normal hearing, preserve hearing, prevent or retard progression of a hearing impairment, or any other false, misleading, or medically or audiotologically unsupportable claim regarding the efficiency of a hearing aid;

(j) Representing or implying that a hearing aid is or will be "custom-made," "made to order," "prescription made," or in any other sense specially fabricated for an individual when that is not the case; or

(k) Directly or indirectly offering, giving, permitting, or causing to be given, money or anything of value to any person who advised another in a

professional capacity as an inducement to influence that person, or to have that person influence others to purchase or contract to purchase any product sold or offered for sale by the licensee, or to influence any person to refrain from dealing in the products of competitors.

(3) Engaging in the fitting or dispensing of hearing aids while suffering from a contagious or infectious disease involving ~~((and due))~~ risk to the public.

(4) Dealing in hearing aids under a false, misleading, or deceptive name.

(5) ~~((For any violation))~~ Violating any of the provisions of this chapter or the rules adopted by this chapter.

(6) Failure to properly and reasonably accept responsibility for the actions of his or her employees.

(7) Engaging in any unfair or deceptive practice or unfair method of competition in trade within the meaning of RCW 19.86.020 as now or hereafter amended.

(8) Aiding or abetting any violation of the rebating laws as stated in chapter 19.68 RCW.

Sec. 10. Section 12, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.120 are each amended to read as follows:

A ~~((license))~~ licensee under this chapter may also be ~~((revoked for any of the grounds provided in RCW 18.35.110 when the department finds revocation is necessary to protect members of the public))~~ subject to disciplinary action if the licensee:

(1) Is found guilty in any court of any crime involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and ten years have not elapsed since the date of the conviction; or

(2) Has a judgment entered against him or her 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 the action, but a license shall not be issued unless the judgment debt has been discharged; or

(3) Has a judgment entered against him or her under chapter 19.86 RCW and two years have not elapsed since the entry of the final judgment; but a license shall not be issued unless there has been full compliance with the terms of such judgment, if any. The 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, licensee, or employee of the licensee.

Sec. 11. Section 14, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.140 are each amended to read as follows:

The powers and duties of the department, in addition to the powers and duties provided under other sections of this chapter, are as follows:

(1) To purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for license.

(2) To authorize all disbursements necessary to carry out the provisions of this chapter.

(3) To require the periodic ~~((inspection))~~ examination of the audiometric testing equipment and to carry out the periodic inspection of facilities of persons who deal in hearing aids, as reasonably required within the discretion of the department.

~~((4) To establish by rule such minimum standards of equipment and procedures in the fitting and dispensing of hearing aids as deemed appropriate and in the public interest.~~

~~((5) To adopt in accordance with the procedures set forth in the Administrative Procedure Act, chapter 34.04 RCW, such rules and regulations not inconsistent with the laws of this state and the provisions of this chapter which are necessary to carry out the provisions of this chapter including but not limited to interpretation of the provisions of this chapter.))~~

Sec. 12. Section 15, chapter 106, Laws of 1973 1st ex. sess. as amended by section 35, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.35-.150 are each amended to read as follows:

(1) There is created hereby the council on hearing aids. The council shall consist of ~~((seven))~~ nine members to be appointed by the governor.

(2) Members of the council shall be residents of this state. ~~((Four))~~ Five members shall be persons experienced in the fitting of hearing aids who shall hold valid licenses under this chapter. One member shall be a medical doctor specializing in ~~((otolaryngology))~~ diseases of the ear. One member shall be a ~~((clinical))~~ nondispensing audiologist. ~~((One))~~ Two members shall represent the public.

(3) The term of office of a member is three years, except that ~~((on the first council three members shall serve for two years and four members shall serve for three years))~~ the governor may appoint the initial members to one or two year terms to ensure an orderly succession of members. A member shall continue to serve until a successor has been appointed and qualifies. Before a member's term expires, the governor shall appoint a successor to assume his duties at the expiration of his predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) The chairman of the council shall be elected from the membership of the council at the beginning of each year.

(5) The council shall meet at least once each year, at a place, day and hour determined by the council, unless otherwise directed by a majority of council members. The council shall also meet at such other times and places as are requested by the department or by three members of the council.

(6) Members of the council shall ~~((not))~~ be compensated for their services ~~((but))~~ at the rate of thirty-five dollars per day for each day or part

thereof spent conducting meetings, hearings, or other official business, and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

NEW SECTION. Sec. 13. There is added to chapter 18.35 RCW a new section to read as follows:

The council shall have the following powers and duties:

(1) To establish by rule such minimum standards and procedures in the fitting and dispensing of hearing aids as deemed appropriate and in the public interest;

(2) To develop guidelines on the training and supervision of trainees;

(3) To adopt any other rules or regulations necessary to implement this chapter and which are not inconsistent with it;

(4) To develop, approve, and administer all licensing examinations required by this chapter; and

(5) To conduct all disciplinary proceedings pursuant to this chapter. All hearings conducted and all rules adopted shall be in accordance with chapter 34.04 RCW. If, following a hearing, the council finds that an applicant or licensee has violated any section of this chapter or any of the rules promulgated under it, the council may enter an order imposing one or more of the following penalties:

(a) Denial of an initial license or renewal;

(b) Revocation or suspension of license;

(c) A fine not to exceed one thousand dollars for each separate offense;

(d) Issuance of a reprimand or letter of censure;

(e) Placement of the licensee on probation for a period of time;

(f) Restriction of the licensee's authorized scope of practice; or

(g) Requiring the licensee to make restitution to any individual injured by the violation.

Sec. 14. Section 19, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.190 are each amended to read as follows:

(1) In addition to remedies otherwise provided by law, in any action brought by or on behalf of a person required to be licensed hereunder, or by any assignee or transferee thereof, arising out of the business of fitting and dispensing of hearing aids, it shall be necessary to allege and prove that the licensee at the time of the transaction held a valid license as required by this chapter, and that such license has not been suspended or revoked pursuant to RCW 18.35.110 (~~and~~) or 18.35.120.

(2) Any person who shall engage in the fitting and dispensing of hearing aids without having obtained a license or who shall wilfully and intentionally violate any of the provisions of this chapter shall be guilty of a gross misdemeanor punishable by a fine not to exceed five thousand dollars per violation or by imprisonment in the county jail for a period not to exceed six months, or both.

(3) In addition to any other rights and remedies ~~((he))~~ a purchaser may have, the purchaser of a hearing aid shall have the right to rescind the transaction for other than the seller's breach if:

~~(a) ((The purchaser for whatever reason consults a licensed physician subsequent to purchasing the hearing aid; and~~

~~(b) Such licensed physician advises such purchaser against purchasing or using a hearing aid and in writing specifies the medical reasons for such advice; and~~

~~(c))~~ The purchaser, for reasonable cause, returns the hearing aid or holds it at the seller's disposal: PROVIDED, That the hearing aid is in its original condition less normal wear and tear(;;). "Reasonable cause" shall be defined by the council but shall not include a mere change of mind on the part of the purchaser or a change of mind related to cosmetic concerns of the purchaser in wearing a hearing aid; and

~~((d))~~ (b) By sending notice of such cancellation to the licensee at ((his)) the licensee's place of business by certified mail, return receipt requested, which shall be posted not later than thirty days following the date of ((purchase)) delivery: PROVIDED, That in the event of cancellation pursuant to this subsection or as otherwise provided by law, the licensee shall, without request, refund to the purchaser postmarked within ten days after such cancellation ((of)) all deposits, including any down payment less ((ten)) fifteen percent of the total purchase price ((and less the reasonable price of ear molds, if any)) or one hundred dollars per hearing aid, whichever is less, and shall return all goods traded in to the licensee on account or in contemplation of the sale less any reasonable costs actually incurred in making ready for sale, goods so traded in: AND PROVIDED FURTHER, That the buyer shall incur no additional liability for such cancellation.

~~((4) Nothing in this chapter shall be construed to pertain in any manner to the testing of human hearing for the purpose of determining the nature, loss, cause or function of hearing and not for the purpose of fitting and dispensing hearing aids:))~~

(c) Where a purchaser has taken the steps described in subsections (a) and (b) above to cancel the purchase, and the purchaser subsequently agrees with the seller to extend the trial or rescission period, the purchaser remains entitled to receive the refund described in RCW 18.35.190(3)(b) upon demand made within sixty days of the original date of delivery or such other time as agreed to in writing by both parties. Written notice of the last date for demanding a refund shall be provided to the purchaser at the time the trial or rescission period is extended.

NEW SECTION. Sec. 15. There is added to chapter 18.35 RCW a new section to read as follows:

(1) The director or the director's designee may initiate and conduct such 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 issued hereunder. For the purpose of any investigation or proceeding under this chapter, the director or any officer the director may designate, 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 may, upon application by the director, issue to that person an order requiring the person to appear before the court, to show cause why he or she 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. 16. There is added to chapter 18.35 RCW a new section to read as follows:

Each licensee shall keep records of all services rendered for a period of three years. These records shall contain the names and addresses of all persons to whom services were provided, the date the warranty expires, a description of the services and the dates the services were provided, and copies of any contracts and receipts.

NEW SECTION, Sec. 17. There is added to chapter 18.35 RCW a new section to read as follows:

(1) If the council determines following notice and hearing, or following notice if no hearing was timely requested, that a person has:

- (a) Violated any provisions of this chapter; or
- (b) Violated any lawful order, or rule of the council

an order may be issued by the council requiring the person to cease and desist from the unlawful practice. The council shall then take affirmative action as is necessary to carry out the purposes of this chapter.

(2) If the council makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, a temporary cease and desist order may be issued. Prior to issuing a temporary cease and desist order, the council, whenever possible, shall give notice by telephone or otherwise of the proposal to issue a temporary cease and desist order to the person to whom the order would be directed. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held to determine whether the order becomes permanent.

(3) The department, 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 rule 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 department shall not be required to post a bond in any court proceedings.



NEW SECTION. Sec. 18. There is added to chapter 18.35 RCW a new section to read as follows:

(1) Every establishment engaged in the fitting and dispensing of hearing aids shall file with the department a surety bond in the sum of ten 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 establishment's employees or agents of any of the provisions of this chapter or rules adopted by the director.

In lieu of the surety bond required by this section, the establishment may file with the department a cash deposit or other negotiable security acceptable to the department. The security deposited with the department in lieu of the surety bond shall be returned to the establishment at the expiration of four years after any disciplinary proceedings involving employees or agents of the establishment, if no legal action has been instituted against the establishment or on the security deposit at the expiration of the four-year period.

(2) A surety may file with the department notice of withdrawal of the bond of the establishment. Upon filing a new bond, or upon the expiration of sixty days after the filing of notice of withdrawal by the surety, the liability of the former surety for all future acts of the establishment terminates.

(3) The department shall immediately cancel the bond given by a surety company upon being advised that the surety company's license to transact business in this state has been revoked.

(4) Upon the filing with the department notice by a surety of withdrawal of the surety on the bond of an establishment or upon the cancellation by the department of the bond of a surety under this section, the department shall immediately give notice to the establishment by certified or registered mail with return receipt requested addressed to the establishment's last place of business as filed with the department.

NEW SECTION. Sec. 19. There is added to chapter 18.35 RCW a new section to read as follows:

(1) Each licensee shall name a registered agent to accept service of process for any violation of this chapter or rule adopted under this chapter.

(2) The registered agent may be released at the expiration of four years after the license issued under this chapter has expired or been revoked if no legal action has been instituted against the licensee.

(3) Any licensee who fails to name a registered agent for service of process for violations of this chapter or rules adopted under this chapter may also be served by filing two copies of the complaint with the director. Service on the director constitutes service on the licensee in this event. The director then shall transmit one copy of the complaint to the licensee within five business days after receipt of the complaint.

**NEW SECTION.** Sec. 20. There is added to chapter 18.35 RCW a new section to read as follows:

(1) In addition to any other legal remedies, an action may be brought in any court of competent jurisdiction upon the bond, cash deposit, or security in lieu of a surety bond required by this chapter, by any person having a claim against a licensee for any violation of this chapter or any rule adopted under this chapter. The aggregate liability of the surety to all claimants shall in no event exceed the sum of the bond.

(2) An action upon the bond or security shall be commenced by serving and filing the complaint within one year from the date of the cancellation of the bond, or in case of a cash deposit or other security deposited in lieu of the surety bond, within one year of the date of expiration of revocation of the license. Two copies of the complaint shall be served by registered or certified mail, return receipt requested, upon the department at the time the suit is started. The service constitutes service on the surety. The director shall transmit one copy of the complaint to the surety within five business days after the copy has been received.

(3) The director shall maintain a record, available for public inspection, of all suits commenced under this chapter under surety bonds, or the cash or other security deposited in lieu of the surety bond. In the event that any final judgment impairs the liability of the surety upon a bond so furnished or the amount of the deposit so that there is not in effect a bond undertaking or deposit in the full amount prescribed in this section, the department shall suspend the license until the bond undertaking or deposit in the required amount, unimpaired by unsatisfied judgment claims, has been furnished.

(4) If a judgment is entered against the deposit or security required under this chapter, the department shall, upon receipt of a certified copy of a final judgment, pay the judgment from the amount of the deposit or security.

**NEW SECTION.** Sec. 21. There is added to chapter 18.35 RCW a new section to read as follows:

It is unlawful to sell a hearing aid to a resident of this state if the attempted sale or purchase is offered or made by telephone or mail order and there is no face-to-face contact to test or otherwise determine the needs of the prospective purchaser. This section does not apply to the sale of hearing aids by wholesalers to licensees under this chapter.

**NEW SECTION.** Sec. 22. This chapter shall not apply to federal employees, nor shall it apply to students enrolled in an accredited program who are supervised by a licensed hearing aid dispenser under the provisions of this chapter.

**NEW SECTION.** Sec. 23. 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. 24. The legislature finds that the public health, safety and welfare would best be protected by uniform regulation of hearing aid fitter-dispensers throughout the state. Therefore, the provisions of this chapter relating to the licensing of hearing aid fitter-dispensers and hearing aid establishments is exclusive. No political subdivision of the state of Washington within whose jurisdiction a hearing aid establishment is located may require any registrations, bonds, licenses, or permits of the establishment or its employees or charge any fee for the same or similar purposes: **PROVIDED, HOWEVER,** That nothing herein shall limit or abridge the authority of any political subdivision to levy and collect a general and non-discriminatory license fee levied on all businesses, or to levy a tax based upon the gross business conducted by any firm within the political subdivision.

**NEW SECTION.** Sec. 25. The following acts or parts of acts are each repealed:

(1) Section 13, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.130; and

(2) Section 16, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.160.

Passed the House February 16, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 40

[House Bill No. 219]

### COUPONS—CERTIFICATES—MANUFACTURER REDEMPTION PROCEDURES

AN ACT Relating to manufacturers' premium coupons; and amending section 3, chapter 221, Laws of 1957 as amended by section 1, chapter 104, Laws of 1972 ex. sess. and RCW 19.83.040.

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

Sec. 1. Section 3, chapter 221, Laws of 1957 as amended by section 1, chapter 104, Laws of 1972 ex. sess. and RCW 19.83.040 are each amended to read as follows:

(1) Nothing in this chapter, or in any other statute or ordinance of this state, shall apply to:

(a) The issuance and direct redemption by a manufacturer of a premium coupon, certificate, or similar device; or prevent him from issuing and directly redeeming such premium coupon, certificate, or similar device,

which, however, shall not be issued, circulated, or distributed by retail vendors except when contained in or attached to an original package;

(b) The publication by, or distribution through, newspapers or other publications of coupons, certificates, or similar devices; or

(c) A coupon, certificate, or similar device which is within, attached to, or a part of a package or container as packaged by the original manufacturer and which is to be redeemed by another manufacturer, if:

(i) The coupon, certificate, or similar device clearly states the names and addresses of both the issuing manufacturer and the redeeming manufacturer; and

(ii) The issuing manufacturer is responsible for redemption of the coupon, certificate, or similar device if the redeeming manufacturer fails to do so.

(2) The term "manufacturer," as used in this section, means any vendor of an article of merchandise which is put up by or for him in an original package and which is sold under his or its trade name, brand, or mark((: ~~PROVIDED, That no premium coupon, certificate or similar device shall be issued in connection with the sale of poultry, or milk and milk products)).~~

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 March 22, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 41

[House Bill No. 256]

### REAL PROPERTY—CONSERVATION FUTURES—STATE ACQUISITION— TAXATION

AN ACT Relating to property taxation; and amending section 12, chapter 212, Laws of 1973 1st ex. sess. as amended by section 5, chapter 134, Laws of 1980 and RCW 84.34.108.

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

Sec. 1. Section 12, chapter 212, Laws of 1973 1st ex. sess. as amended by section 5, chapter 134, Laws of 1980 and RCW 84.34.108 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of such designation shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such designation;

(b) Sale or transfer to an ownership making all or a portion of such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of classification continuance. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.120, as now or hereafter amended. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land is no longer primarily devoted to and used for the purposes under which it was granted classification.

(2) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (5) of this section, an additional tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax shall be equal to:

(a) The difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified; plus

(b) Interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which

such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter.

(4) Additional tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from current use classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The additional tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(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;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land((-));

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property((-));

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land((-);

(f) Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020; or

(g) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections: PROVIDED, That at such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (3) of this section shall be imposed.

Passed the House April 12, 1983.

Passed the Senate April 6, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 42

[Engrossed House Bill No. 274]

## SAVINGS AND LOAN ASSOCIATIONS

AN ACT Relating to savings and loan associations; amending section 4, chapter 235, Laws of 1945 as last amended by section 14, chapter 3, Laws of 1982 and RCW 33.08.030; and amending section 30.04.020, chapter 33, Laws of 1955 as amended by section 1, chapter 88, Laws of 1981 and RCW 30.04.020.

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

Sec. 1. Section 4, chapter 235, Laws of 1945 as last amended by section 14, chapter 3, Laws of 1982 and RCW 33.08.030 are each amended to read as follows:

A domestic association shall be incorporated either as a stock or a mutual association. The articles of incorporation shall specifically state:

(1) The name of the association, which shall include the words ("~~Savings Association~~" and may include the words "and Loan");

- (a) "Savings association";
- (b) "Savings and loan association"; or
- (c) "Savings bank";

(2) The city or town and county in which it is to have its principal place of business;

(3) The name, occupation, and place of residence of all incorporators, the majority of whom shall be Washington residents;

(4) Its purposes;

(5) Its duration, which may be for a stated number of years or perpetual;

(6) The amount of paid-in savings with which the association will commence business;

(7) The names, occupations, and addresses of the first directors;

(8) Whether the association is organized as a stock or mutual association and who has membership rights and the relative rights of different classes of members of the association.

The articles of incorporation may contain any other provisions consistent with the laws of this state and the provisions of this title pertaining to the association's business or the conduct of its affairs.

Sec. 2. Section 30.04.020, chapter 33, Laws of 1955 as amended by section 1, chapter 88, Laws of 1981 and RCW 30.04.020 are each amended to read as follows:

The name of every bank shall contain the word "bank" and the name of every trust company shall contain the word "trust," or the word "bank." Except as provided in RCW 33.08.030, no person except:

- (1) A national bank;
- (2) A bank or trust company authorized by the laws of this state;

(3) A foreign corporation authorized by this title so to do, shall,

(a) Use as a part of his or its name or other business designation or in any manner as if connected with his or its business or place of business any of the following words or the plural thereof, to wit: "bank," "banking," "banker," "trust."

(b) Use any sign at or about his or its place of business or use or circulate any advertisement, letterhead, billhead, note, receipt, certificate, blank, form, or any written or printed or part written and part printed paper, instrument or article whatsoever, directly or indirectly indicating that the business of such person is that of a bank or trust company.

This section shall not prevent a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the National Housing Act from using the words "mortgage banker" or "mortgage banking" in the conduct of its business, but only if both words are used together in either of the forms which appear in quotations in this sentence.

Every person who, and every director and officer of every corporation which, to the knowledge of such director or officer violates any provision of this section shall be guilty of a gross misdemeanor.

Passed the House March 2, 1983.

Passed the Senate April 12, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 43

[ House Bill No. 285 ]

### MOTOR VEHICLE FUND DISTRIBUTION—CITIES AND TOWNS—CITY STREET MAINTENANCE

AN ACT Relating to motor vehicle fund distributions; and amending section 10, chapter 317, Laws of 1977 ex. sess. and RCW 46.68.115.

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

Sec. 1. Section 10, chapter 317, Laws of 1977 ex. sess. and RCW 46.68.115 are each amended 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(7); for the maintenance of city streets, as approved by the department of transportation, state aid engineer, for those cities with a population of less than five thousand; 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.

Passed the House March 11, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

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## CHAPTER 44

[Engrossed House Bill No. 275]

### SAVINGS BANKS—ACCOUNTING PROCEDURES—POWER AND AUTHORITY

AN ACT Relating to mutual savings banks; amending section 32.12.050, chapter 13, Laws of 1955 and RCW 32.12.050; amending section 32.12.090, chapter 13, Laws of 1955 as last amended by section 2, chapter 104, Laws of 1977 ex. sess. and RCW 32.12.090; amending section 98, chapter 85, Laws of 1981 and RCW 32.32.495; and amending section 104, chapter 85, Laws of 1981 and RCW 32.32.525.

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

Sec. 1. Section 32.12.050, chapter 13, Laws of 1955 and RCW 32.12-.050 are each amended to read as follows:

(1) No savings bank shall by any system of accounting, or any device of bookkeeping, directly or indirectly, enter any of its assets upon its books in the name of any other individual, partnership, unincorporated association, or corporation, or under any title or designation that is not in accordance with the actual facts.

(2) The bonds, notes, mortgages, or other interest bearing obligations purchased or acquired by a savings bank, shall not be entered on its books at more than the actual cost thereof, and shall not thereafter be carried upon its books for a longer period than until the next declaration of dividends, or in any event for more than one year, at a valuation exceeding their present cost as determined by amortization, that is, by deducting from the cost of any such security purchased for a sum in excess of the amount payable thereon at maturity and charging to "profit and loss" a sufficient sum to bring it to par at maturity, or adding to the cost of any such security purchased at less than the amount payable thereon at maturity and crediting to "profit and loss" a sufficient sum to bring it to par at maturity.

(3) No such bank shall enter, or at any time carry on its books, the real estate and the building or buildings thereon used by it as its place of business at a valuation exceeding their actual cost to the bank.

(4) Every such bank shall conform its methods of keeping its books and records to such orders in respect thereof as shall have been made and promulgated by the supervisor. Any officer, agent, or employee of any savings bank who refuses or neglects to obey any such order shall be punished as hereinafter provided.

(5) Real estate acquired by a savings bank, other than that acquired for use as a place of business, may be entered on the books of the bank at the actual cost thereof but shall not be carried beyond the current dividend period at an amount in excess of the amount of the debt in protection of which such real estate was acquired, plus the cost of any improvements thereto.

An appraisal made by two or more persons appointed by the board of trustees, shall be made of every such parcel of real estate within six months from the date of conveyance and also within six months from date when any expenditure to improve such real estate is added to the book value. If the value at which such real estate is carried on the books is in excess of the value found on appraisal the book value shall, at the end of the dividend period during which such appraisal was made, be reduced to an amount not in excess of such appraised value.

(6) No such bank shall enter or carry on its books any asset which has been disallowed by the supervisor or the trustees of such bank, or any debt owing to it which has remained due without prosecution and upon which no interest has been paid for more than one year, or on which a judgment has been recovered which has remained unsatisfied for more than two years, unless the supervisor upon application by such savings bank has fixed a valuation at which such debt may be carried as an asset, or unless such debt is secured by first mortgage upon real estate, in which latter case it may be carried at the actual cash value of such real estate as determined by written appraisal signed by two or more persons appointed by the board of trustees and filed with it.

(7) Notwithstanding the prohibitions of this section, a savings bank may maintain its books and records and may enter and carry on its books any asset or liability at any valuation in accordance with any accounting rules promulgated or adopted by the federal deposit insurance corporation or the financial accounting standards board or the supervisor of banking.

Sec. 2. Section 32.12.090, chapter 13, Laws of 1955 as last amended by section 2, chapter 104, Laws of 1977 ex. sess. 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 by ayes and noes 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 determined by its board of trustees, computing from the last interest period to the date when closed.

(5) The trustees of any savings banks, other than a savings bank converted under chapter 32.32 RCW, 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 98, chapter 85, Laws of 1981 and RCW 32.32.495 are each amended to read as follows:

(1) Every converted savings bank shall be managed by not less than five directors, except that a bank having a capital of fifty thousand dollars or less may have only three directors. Directors shall be elected by the stockholders and hold office for one year and until their successors are elected and have qualified. In the first instance the directors shall be those named in the articles of incorporation and afterwards, those elected at the annual meeting of the stockholders to be held at least once each year on a day to be specified by the converted savings bank's bylaws but not later than May 15th of each year. If for any cause an election is not held at that time, it may be held at an adjourned meeting or at a subsequent meeting called for that purpose in the manner prescribed by the corporation's bylaws. The directors shall meet at least once each month and whenever required by the supervisor. A majority of the board of directors shall constitute a quorum for the transaction of business. At all stockholders' meetings, each share shall be entitled to one vote, unless the articles of incorporation provide otherwise. Any stockholder may vote in person or by written proxy.

(2) If the board of directors consists of nine or more members, in lieu of electing the entire number of directors annually, the converted savings bank's articles of incorporation or bylaws may provide that the directors be divided into either two or three classes, each class to be as nearly equal in number as possible, the term of office of directors of the first class to expire at the first annual meeting of shareholders after their election, that of the second class to expire at the second annual meeting after their election, and that of the third class, if any, to expire at the third annual meeting after their election. At each annual meeting after such classification, the number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the second succeeding annual meeting, if there are two classes, or until the third succeeding annual meeting, if there are three classes. A classification of directors shall not be effective prior to the first annual meeting of shareholders.

(3) Immediately upon election, each director shall take, subscribe, swear to, and file with the supervisor an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of the corporation and will not knowingly violate or willingly permit to be violated any provision of law applicable to the corporation. (~~Vacancies on the board of directors shall be filled by the board.~~)

(4) A vacancy occurring in the board of directors may be filled by the affirmative vote of a majority of the remaining directors. A director elected to fill a vacancy shall be elected for the unexpired term of the director's predecessor in office. A directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors for a term of office continuing only until the next election of directors by the shareholders.

Sec. 4. Section 104, chapter 85, Laws of 1981 and RCW 32.32.525 are each amended to read as follows:

After July 26, 1981, no converted savings bank may make any loan or discount on the security of its own capital stock, nor be the purchaser or holder of any such shares, unless the security or purchase is necessary to prevent loss upon a debt previously contracted in good faith, in which case the stocks so purchased or acquired shall be sold at public or private sale, or otherwise disposed of, within six months from the time of its purchase or acquisition. The prohibitions of this section do not apply to a purchase of shares approved by the supervisor pursuant to RCW 32.32.210.

Passed the House March 2, 1983.

Passed the Senate April 12, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

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## CHAPTER 45

[House Bill No. 312]

### SAVINGS BANK—CONVERSIONS

AN ACT Relating to mutual savings banks; and adding a new chapter to Title 32 RCW.

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

NEW SECTION. Sec. 1. (1) A domestic savings bank formed under this title may convert itself into a federal mutual or stock savings bank. The conversion shall be effected:

(a) In the case of a mutual savings bank, by the vote of two-thirds of the trustees at a regular or special meeting of the trustees called for such purpose;

(b) In the case of a stock savings bank, by the vote of a majority of the stockholders present, in person or by proxy, at a regular or special meeting of the stockholders called for such purpose.

(2) Notice of the meeting, stating the purpose thereof, shall be given the supervisor at least thirty days prior to the meeting. If the conversion is authorized by the trustees or stockholders at the meeting, the trustees or stockholders are authorized and shall effect such action, and the officers of the savings bank shall execute all proper conveyances, documents, and other papers necessary or proper thereunto. If conversion is authorized, a copy of the minutes of the meeting shall be filed forthwith with the supervisor.

(3) Upon consummation of the conversion, the successor federal savings bank shall succeed to all right, title, and interest of the mutual or stock bank in and to its assets and to its liabilities to the creditors of the savings bank. Upon the conversion, after the execution and delivery of all instruments of transfer, conveyance, and assignment, the domestic savings bank shall be deemed dissolved.

(4) Every federal savings bank, the home office of which is located in this state, and the savings accounts therein, have all the rights, powers, and privileges and are entitled to the same immunities and exemptions as pertain to savings banks organized under the laws of this state.

**NEW SECTION.** Sec. 2. (1) A federal savings bank, the home office of which is located in this state, may convert itself into a domestic savings bank under this title upon approval by the supervisor of banking. For any such conversion, the federal savings bank shall proceed as provided in this chapter for the conversion of a domestic savings bank into a federal savings bank. The conversion shall be effected by the vote of a majority of the members or stockholders present, in person or by proxy, at a regular or special meeting of the members or stockholders called for such purpose.

(2) Upon consummation of the conversion, the successor domestic savings bank shall succeed to all right, title, and interest of the federal savings bank in and to its assets, and to its liabilities to the creditors of such federal savings bank.

**NEW SECTION.** Sec. 3. Sections 1 and 2 of this act shall constitute a new chapter in Title 32 RCW.

Passed the House March 2, 1983.

Passed the Senate April 12, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 46

[Substitute Senate Bill No. 3164]

### INSURANCE HOLDING COMPANIES—ACQUISITION PROCEDURES

AN ACT Relating to insurance holding companies; amending section 4, chapter 13, Laws of 1971 ex. sess. and RCW 48.31A.020; amending section 5, chapter 13, Laws of 1971 ex. sess. and RCW 48.31A.030; amending section 7, chapter 13, Laws of 1971 ex. sess. and RCW 48.31A.050; and adding a new section to chapter 48.31A RCW.

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

**NEW SECTION.** Sec. 1. There is added to chapter 48.31A RCW a new section to read as follows:

The purpose of this chapter is to assure that the protections provided generally by the insurance code to policyholders, beneficiaries, claimants, and the insuring public are not dissipated or prejudiced by the fact that an insurer is or may become part of an insurance holding company system.

Sec. 2. Section 4, chapter 13, Laws of 1971 ex. sess. and RCW 48.31A-.020 are each amended to read as follows:

No person other than the issuer or an affiliate of the issuer shall ((make a tender offer for a request or invitation for tenders of, or agreement to))

exchange securities for or otherwise acquire, any voting security or any security convertible into a voting security of a domestic insurer or of any other person controlling a domestic insurer if, as a result of the consummation thereof, ~~((the))~~ that person ~~((making such tender offer, request or agreement;))~~ would directly or indirectly, acquire actual control of ~~((such))~~ the insurer~~(;)~~ unless:

(1) Such person has filed with the commissioner a statement containing such of the following information, and such additional information as the commissioner may by rule or regulation prescribe as necessary or appropriate in the public interest or for the protection of policyholders:

(a) The background and identity of all persons by whom or on whose behalf the purchases or the exchange, merger, or other acquisition of control are to be effected;

(b) The source and amount of the funds or other consideration used or to be used in making the purchases or in effecting the exchange, merger or other acquisition of control, and, if any part of such funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the purchases or effecting the exchange, merger, or other acquisition of control, a description of the transaction and the names of the parties thereto;

(c) Any plans or proposals which such persons may have to liquidate such insurer, to sell its assets or merge it with any person, or to make any other major change in its business or corporate structure or management;

(d) The amount of each class of voting securities, or securities which may be converted into voting securities, of such insurer or such controlling person, which are beneficially owned, and the amount of each class of voting securities or securities which may be converted into voting securities of such insurer or such controlling person concerning which there is a right to acquire beneficial ownership, by each such person and by each such affiliate;

(e) Information as to any contracts, arrangements or understandings with any person with respect to any securities of such insurer, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements or understandings have been entered into, and giving the details thereof; and

(f) A copy of any such agreement, and any amendments thereto, to exchange or otherwise acquire securities or to merge with or otherwise to acquire control of such insurer; ~~((and))~~

(2) The time for disapproval, as provided in RCW 48.31A.050, including any agreed extensions, has elapsed or approval has been given by the commissioner.

Sec. 3. Section 5, chapter 13, Laws of 1971 ex. sess. and RCW 48.31A-.030 are each amended to read as follows:

All requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders of such voting securities for actual control of a domestic insurer made by or on behalf of any such person shall contain such of the information specified in RCW 48.31A.020 as the commissioner may prescribe, and shall be filed with the commissioner, and a copy delivered to the issuer of the voting securities, at least ~~((ten))~~ five business days prior to the time such material is first published or sent or given to security holders. Copies of any additional material soliciting or requesting such tender offers subsequent to the initial solicitation or request shall contain such information as the commissioner may prescribe as necessary or appropriate in the public interest or for the protection of policyholders ~~((and stockholders,))~~ and shall be filed with the commissioner, and a copy delivered to the issuer of the voting securities, at least ~~((ten))~~ five business days prior to the time copies of such material are first published or sent or given to security holders.

Sec. 4. Section 7, chapter 13, Laws of 1971 ex. sess. and RCW 48.31A-.050 are each amended to read as follows:

(1) In the absence of approval by the commissioner the purchases, exchanges, mergers or other acquisitions of control referred to in RCW 48.31A.020 may be made unless the commissioner, within twenty days after the statement required by RCW 48.31A.020 has been filed with him, disapproves the purchases, exchanges, mergers or other acquisitions of control. The commissioner may disapprove any such transaction within twenty days after such filing if he finds that:

(a) After the change of control the domestic insurer ~~((could))~~ would not satisfy the requirements for the issuance of a certificate of authority according to requirements in force at the time of the issuance of its last certificate of authority to do the insurance business which it intends to transact in this state;

(b) The effect of the purchases, exchanges, mergers, or other acquisitions of control may be substantially to lessen competition in insurance in this state or tend to create a monopoly therein~~((;))~~ or ~~((would))~~ may violate the laws of this state ~~((or the United States))~~ relating to monopolies or restraint of trade;

(c) The financial condition of an acquiring person is such as would jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders ~~((or, in the case of an acquisition of control, the interest of any remaining shareholders who are unaffiliated with the acquiring person));~~

(d) The plans or proposals which the acquiring person has to liquidate the insurer, to sell its assets, or to merge it with any person, or to make any



other major change in its business or corporate structure or management, are unfair or prejudicial to policyholders; ((or))

(e) The competence, experience and integrity of those persons who would control the operation of the insurer indicate that it would not be in the interest of policyholders(~~(, shareholders, or)~~) and the public to permit them to do so; or

(f) There has not been full compliance with this chapter or other applicable provisions of Title 48 RCW by the acquiring person.

(2) The provisions of RCW 48.31A.020 through 48.31A.050 apply to any change of control ((if and to)) except to the extent that the commissioner, by rule or regulation or by order, shall exempt the same from the provisions of such sections as not comprehended within the purpose of ((this)) those sections.

Passed the Senate March 2, 1983.

Passed the House April 12, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 47

[Substitute Senate Bill No. 3511]

### HYDROELECTRIC RESOURCE DEVELOPMENT—POLITICAL SUBDIVISIONS

AN ACT Relating to the creation of separate legal authorities by one or more irrigation districts and any combination of cities, towns, or public utility districts for the purpose of constructing, financing, acquiring, owning, operating, and maintaining hydroelectric facilities; adding new sections to chapter 87.03 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is added to chapter 87.03 RCW a new section to read as follows:

The legislature finds that a significant potential exists for the development of cost-effective renewable hydroelectric resources by irrigation districts, cities, towns, and public utility districts and further finds that it is in the best interests of the state and its citizens for such entities to develop that hydroelectric generating resource cooperatively whenever possible through the use of separate legal authorities. The legislature also finds that the development of such hydroelectric resources will be beneficial in meeting the present and future energy needs of the citizens of the state, will further a state purpose and policy, and will be in the public interest.

NEW SECTION. Sec. 2. There is added to chapter 87.03 RCW a new section to read as follows:

One or more irrigation districts and any combination of cities, towns, or public utility districts may create a separate legal authority to construct, finance, acquire, own, operate, and maintain hydroelectric facilities including, but not limited to, dams, canals, plants, transmission lines, other power

equipment and the necessary property and property rights therefor, located within or outside the boundaries of the entities creating the authority, for the purpose of utilizing for the generation of electricity water power made available by and as a part of the irrigation water storage, conveyance, and distribution facilities, wasteways, and drainage water facilities which serve or may in the future serve irrigation districts, and to sell by contract on such terms and conditions as deemed appropriate by the legislative body of the authority the electric power and energy created by or generated at such hydroelectric facilities to municipal or quasi municipal corporations or cooperatives authorized to engage in the business of distributing electricity, electrical companies subject to the jurisdiction of the utilities and transportation commission, or irrigation districts. Any authority so created shall have the same powers and only those powers granted to irrigation districts by chapter 185, Laws of 1979 ex. sess. and has such additional powers relating to its organization, right to contract in its own name, and general ability to exist and function as a separate legal authority as deemed appropriate by the entities creating it. The authority shall be created and organized by contract in the manner described in chapter 39.34 RCW and shall be a separate legal entity capable of exercising in its own name the powers granted it. No provision of chapter 39.34 RCW or any other provision of law may be interpreted to require the entities creating the authority to submit the contract creating the authority to any state, county, or municipal officer, entity, agency, or board for approval or disapproval.

NEW SECTION. Sec. 3. There is added to chapter 87.03 RCW a new section to read as follows:

This chapter supplements and neither restricts nor limits any powers which a city, town, public utility district, or irrigation district might otherwise have under any laws of this state, except that no such authority created by section 2 of this act and no city, town, or public utility district member of an authority may condemn for the benefit of the authority any plant, works, dam, facility, right, or property owned by any city, town, irrigation district, public utility district, or electrical company subject to the jurisdiction of the utilities and transportation commission.

NEW SECTION. Sec. 4. There is added to chapter 87.03 RCW a new section to read as follows:

Cities, towns, and public utility districts not engaged in the generation, transmission, or distribution of electricity on the effective date of this act may be members of a separate legal authority created under the provisions of section 2 of this act without the necessity of obtaining prior approval of their voters. However, no such city, town, or public utility district member of such a separate legal authority may construct or acquire facilities for the generation, transmission, or distribution of electricity independently of the separate legal authority without complying with the election requirements applicable to each individual entity.

NEW SECTION. Sec. 5. There is added to chapter 87.03 RCW a new section to read as follows:

After demand made by a majority of the authority's members, the actions of an authority shall become subject to ratification and approval by the voters of its members in accordance with procedures agreed to by its members. Every contract establishing an authority shall provide appropriate procedures for ratification and approval of actions taken by the authority by the voters of its members.

NEW SECTION. Sec. 6. There is added to chapter 87.03 RCW a new section to read as follows:

A separate legal authority shall only have power to incur indebtedness that is repayable from rates, tolls, charges, or contract payments for services or electricity provided by the authority and to pledge such revenues for the payment and retirement of indebtedness issued for the construction or acquisition of hydroelectric facilities. An authority shall not have power to levy taxes or to impose assessments for the payment of obligations of the authority. Every bond or other evidence of indebtedness issued by an authority shall provide (1) that repayment shall be limited solely to the revenues of the authority, and (2) that no member of the authority shall be obligated to repay directly or indirectly any obligation of the authority except to the extent of fair value for services actually received from the authority. No member may pledge its revenues to support the issuance of revenue bonds or other indebtedness of an authority. This section shall not be construed to prohibit members of an authority from paying the necessary expenses of organizing and administering the authority and of studies performed, applications prepared, and consultants retained with regard to projects the authority is studying, developing, constructing, or operating.

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 March 28, 1983.

Passed the House April 12, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 48

[Substitute Senate Bill No. 3110]

WASHINGTON CREDIT UNION SHARE GUARANTY ASSOCIATION—  
ABSORPTION—LIQUIDATION

AN ACT Relating to Washington credit union share guaranty association; amending section 3, chapter 80, Laws of 1975 1st ex. sess. as last amended by section 2, chapter 67, Laws of 1982 and RCW 31.12A.010; amending section 7, chapter 80, Laws of 1975 1st ex. sess. as last amended by section 5, chapter 67, Laws of 1982 and RCW 31.12A.050; creating a new section; providing an expiration date; and declaring an emergency.

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

Sec. 1. Section 3, chapter 80, Laws of 1975 1st ex. sess. as last amended by section 2, chapter 67, Laws of 1982 and RCW 31.12A.010 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the terms defined in this section shall have the meanings indicated.

(1) "Assessment" means the amount levied by the association against its members in order to carry out its stated purposes.

(2) "Association" means the credit union share guaranty association created in RCW 31.12A.020.

(3) "Board" means board of directors of the guaranty association.

(4) "Contracted guarantees" means those liabilities specifically agreed to by the association for providing assistance to member credit unions or for indemnifying any other entity against loss because of its participation in the absorption or liquidation of a distressed member credit union.

(5) "Credit union" means a credit union organized and authorized under laws contained in chapter 31.12 RCW, as now or hereafter amended.

~~((5))~~ (6) "Initial member" means a member qualified by the supervisor within sixty days after September 1, 1975, but not yet ratified by the board.

~~((6))~~ (7) "Member" means a member of the guaranty association, ratified by the board.

~~((7))~~ (8) "Share account" of a credit union shareholder includes the share and/or deposit accounts and the share and/or deposit certificates of which the shareholder is owner of record with the credit union.

~~((8))~~ (9) "Shareholder" includes both members and nonmembers of a credit union, who have either shares and/or deposits in the credit union, including deposits of deferred compensation as referred to in RCW 31.12.305.

~~((9))~~ (10) "Supervisor" means the state supervisor of the division of savings and loan associations, or his successor in the event of a departmental restructuring.

~~((10))~~ (11) "Transfer" means entering on the credit union's books of account a decrease to one account and a corresponding increase to another account.

Sec. 2. Section 7, chapter 80, Laws of 1975 1st ex. sess. as last amended by section 5, chapter 67, Laws of 1982 and RCW 31.12A.050 are each amended to read as follows:

(1) Funding of the association shall be by transfers to a share guaranty association contingency reserve as follows:

(a) Credit unions approved by the supervisor and ratified by the board for membership subsequent to those initial members shall establish a share guaranty association contingency reserve by transferring from their guaranty fund an amount equal to one-half of one percent of the total (~~(insurable)~~) guaranteeable outstanding share and deposit balances as of the (~~31st of December of the year preceding~~) date of membership. When one member credit union is merged into another member credit union, the continuing credit union shall include in its share guaranty contingency reserve (~~the amount of~~) the share guaranty contingency reserve of the merged credit union. A nonmember credit union merging with a member credit union must transfer into the share guaranty contingency reserve of the continuing credit union an amount equal to one-half of one percent of the total (~~insurable~~) guaranteeable outstanding share and deposit balances of the nonmember credit union as of the effective date of the merger, as determined by the supervisor. (~~Such sum shall be retained in the credit union share guaranty contingency reserve as an integral part of its guaranty fund until such time and if necessary to be drawn for the purposes set forth in this chapter.~~)

(b) On the first business day of each year, member credit unions shall make a transfer of an amount sufficient to adjust the contingency reserve to a level of one-half of one percent of the guaranteeable outstanding share and deposit balances as of December 31st of the previous year. If the member's guaranteeable outstanding share and deposit balances decrease from the previous year, any excess which may then appear in the contingency reserve may be transferred to the guaranty fund.

(c) The board may require one additional transfer during the calendar year of an amount not to exceed one-half of one percent of the guaranteeable outstanding share and deposit balances as of December 31st of the previous year. Credit unions which have merged during the year and credit unions which have joined during the year will be subject to the one additional transfer, even if that required transfer occurred before ratification of the joining member or the merger of the two credit unions. The transfer will be based on the guaranteeable share and deposit balances of those credit unions as of the following dates:

(i) For new members, the balances as of the date of membership;

(ii) For members that merge, the sum of the balances as of December 31st of the previous year;

(iii) For a nonmember merging with a member, the sum of the member's balances as of December 31st of the previous year, and of the nonmember's balances as of the effective date of the merger.

~~(2) ((Continued funding of the association shall be by annual transfer at the rate of one-eighteenth of one percent of each member's insurable outstanding share and deposit balance as of December 31st of each year. Such funds shall be retained by the member in its share guaranty contingency reserve until such time it becomes necessary to be drawn for the purposes set forth in this chapter. Such sum may be offset from the statutory transfer requirement to the guaranty fund. The board, with concurrence of the supervisor, shall have authority to require a transfer of an additional amount not to exceed one-eighteenth of one percent of each member's insurable share and deposit balance in any one year, as conditions may warrant, to be retained until such time it becomes necessary to be drawn for the purposes set forth in this chapter.))~~ Sums specified in subsection (1) of this section may be offset from the statutory transfer requirement to the guaranty fund and shall be retained in the credit union share guaranty contingency reserve as an integral part of its guaranty fund until such time and if necessary to be drawn for the purposes set forth in this chapter.

(3) Members' share guaranty association contingency reserve funds shall be invested in investments as permitted in the bylaws of the association.

(4) The board, in concurrence with the supervisor, may also suspend or diminish the transfer in any given period after reaching a normal operating sufficiency as provided in the bylaws.

(5) Membership in this association may be terminated upon approval by a majority of the credit union members responding to such a proposal and subject further to acceptance by the national credit union administration of continued share insurance coverage under the national credit union administration share insurance program. Notice of such intentions shall be in writing to the association's board of directors at least twelve months prior to such contemplated action: PROVIDED, That in the event ((of)) that the credit union board has voted to recommend to the membership liquidation, conversion from state to federal credit union charter ((the converting member)), or merger with or conversion to a credit union organized under the laws of another state, the liquidating, converting, or merging member will notify the association in ((compliance with RCW 31.12.390)) writing within seven days after the credit union board has taken such action. Share guarantee coverage through the association will terminate with the effective date of the ((federal)) new charter or completion of the liquidation or merger as determined by the supervisor.

(6) Except for a credit union merging with a member credit union, any credit union terminating membership in the association shall be assessed its pro rata share of the difference, if any, between the association's current liability for contracted guarantees and the amount from previous assessments

currently held for contracted guarantees by the association. Such difference shall be determined by the supervisor at the time the membership is terminated. If the amount of the assessment exceeds the amount of the actual obligation when finalized, the excess shall be refunded in the same proportion as paid.

**NEW SECTION.** Sec. 3. During calendar year 1983, the 1983 amendments to RCW 31.12A.050 shall be applied according to the following transition rules:

(1) If, on the effective date of this 1983 act, the share guaranty contingency reserve does not meet the level of one-half of one percent of the member's guaranteeable outstanding share and deposit balances as of December 31, 1982, the credit union shall be required to adjust its share guaranty contingency reserve to that level within thirty days of the effective date of this 1983 act. However, if any assessments were made in 1983 prior to the effective date of this 1983 act, the required one-half of one percent level shall be reduced by the amount of any such assessments.

(2) Credit unions that become members or that merge on or after the effective date of this act and before January 1, 1984, shall be subject to the provisions of RCW 31.12A.050(1)(a) as amended by this 1983 act.

(3) During the remainder of the calendar year following the effective date of this 1983 act, one additional transfer as provided for in RCW 31.12A.050(1)(c) will be permitted.

(4) This section shall expire on January 1, 1984.

**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 1, 1983.

Passed the House April 12, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 49

[Senate Bill No. 3211]

### AIRCRAFT FUEL TAXATION

AN ACT Relating to the taxation of aircraft fuel; amending section 1, chapter 10, Laws of 1967 ex. sess. as last amended by section 1, chapter 25, Laws of 1982 1st ex. sess. and RCW 82.42.010; amending section 3, chapter 25, Laws of 1982 1st ex. sess. and RCW 82.42.025; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 1, chapter 10, Laws of 1967 ex. sess. as last amended by section 1, chapter 25, Laws of 1982 1st ex. sess. and RCW 82.42.010 are each amended to read as follows:

For the purposes of this chapter:

- (1) "Department" means the department of licensing;
- (2) "Director" means the director of licensing;
- (3) "Person" means every natural person, firm, partnership, association, or private or public corporation;
- (4) "Aircraft" means every contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, operated or propelled by the use of aircraft fuel;
- (5) "Aircraft fuel" means gasoline and any other inflammable liquid, by whatever name such liquid is known or sold, the chief use of which is as fuel for the propulsion of aircraft, except gas or liquid, the chief use of which as determined by the director, is for purposes other than the propulsion of aircraft;
- (6) "Dealer" means any person engaged in the retail sale of aircraft fuel;
- (7) "Distributor" means any person engaged in the sale of aircraft fuel to any dealer and shall include any dealer from whom the tax hereinafter imposed has not been collected;
- (8) "Weighted average retail sales price of aircraft fuel" means the average retail sales price, excluding any federal excise tax, of the several grades of aircraft fuel sold by dealers throughout the state (less any state excise taxes on the sale, distribution, or use thereof) upon which fuel the tax levied by this chapter has been collected, weighted to reflect the quantities sold at each price;
- (9) "Fiscal half-year" means a six-month period ending June 30th or December 31st;
- (10) "Local service commuter" means an air taxi operator who operates at least five round-trips per week between two or more points; publishes flight schedules which specify the times, days of the week, and points between which it operates; and whose aircraft has a maximum capacity of sixty passengers or eighteen thousand pounds of useful load.

Sec. 2. Section 3, chapter 25, Laws of 1982 1st ex. sess. and RCW 82-42.025 are each amended to read as follows:

- (1) During the fifth month of each fiscal half-year ending June 30th and December 31st of each year, the department of licensing shall compute an aircraft fuel tax rate to the nearest one-half cent per gallon of aircraft fuel by multiplying three percent times the weighted average retail sales price of aircraft fuel, per gallon, sold within the state in the third month of the fiscal half-year. The department shall determine the weighted average retail sales price of aircraft fuel by state-wide sampling and survey techniques designed to reflect these prices for the third month of the fiscal half-year. The department shall establish reasonable guidelines for its sampling and survey methods.



(2) The excise tax rate computed under subsection (1) of this section or five cents per gallon, whichever is greater, shall apply to the sale, distribution, or use of aircraft 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 June 30, 1982))~~ period May 1, 1983, through June 30, 1983, the aircraft fuel tax shall be five cents per gallon.

**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 May 1, 1983.

Passed the Senate April 13, 1983.

Passed the House April 6, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 50

[Engrossed Substitute Senate Bill No. 3380]

### STATE RESIDENTIAL SCHOOLS—PLACEMENT DECISIONS

AN ACT Relating to state residential schools; amending section 2, chapter 166, Laws of 1981 and RCW 72.33.161; and declaring an emergency.

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

Sec. 1. Section 2, chapter 166, Laws of 1981 and RCW 72.33.161 are each amended to read as follows:

Whenever in the judgment of the secretary, the treatment and training of any resident of a state residential school has progressed to the point that it is deemed advisable to return such resident to the community, the secretary may grant placement on such terms and conditions as the secretary may deem advisable after reasonable notice to and consultation with the resident, and with any available parent, guardian, or other court-appointed personal representative of such person.

If the resident, parent of a resident who is a minor, or guardian or other court-appointed personal representative of the resident believes that the specific placement decision is not in the best interests of the resident, he or she may request a hearing before an administrative law judge appointed under chapter 34.12 RCW. A hearing before an administrative law judge under this section shall be conducted as a contested case under chapter 34.04 RCW. At the hearing, the administrative law judge shall make an initial decision determining whether the specific placement decision is in the best interests of the resident and was otherwise proper. The burden of proof shall be on the department to show that the specific placement decision is in the best interests of the resident. Any review of the administrative law judge's

initial decision by the secretary when he or she makes the final decision shall be done on the same basis as specified under RCW 34.04.130 (5) and (6) for superior court review of an administrative decision and in addition findings and inferences to be sustained must be supported by substantial evidence. The secretary cannot delegate the authority to make the final decision. Any person aggrieved by the final administrative decision is entitled to judicial review in accordance with the provisions of chapter 34.04 RCW governing judicial review in a contested case except that if substantial rights have been prejudiced, administrative findings, inferences, conclusions or decisions may be reversed, modified, or remanded if not supported by substantial evidence rather than requiring them to be arbitrary or capricious.

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

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

NEW SECTION. Sec. 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 March 31, 1983.

Passed the House April 13, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 51

[Engrossed Senate Bill No. 3383]

### PROFESSIONAL CORPORATIONS—ELIGIBLE PERSONS—SHAREHOLDER REGULATIONS

AN ACT Relating to professional corporations; amending section 11.36.010, chapter 145, Laws of 1965 as amended by section 14, chapter 3, Laws of 1983 and RCW 11.36.010; amending section 3, chapter 122, Laws of 1969 and RCW 18.100.030; amending section 6, chapter 122, Laws of 1969 and RCW 18.100.060; amending section 9, chapter 122, Laws of 1969 and RCW 18.100.090; amending section 11, chapter 122, Laws of 1969 and RCW 18.100.110; amending section 13, chapter 122, Laws of 1969 and RCW 18.100.130; adding new sections to chapter 18.100 RCW; and repealing section 1, chapter 57, Laws of 1971 and RCW 18.100.135.

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

Sec. 1. Section 11.36.010, chapter 145, Laws of 1965 as amended by section 14, chapter 3, Laws of 1983 and RCW 11.36.010 are each amended to read as follows:

The following persons are not qualified to act as personal representatives: Corporations, minors, persons of unsound mind, or persons who have been convicted of any felony or of a misdemeanor involving moral turpitude: PROVIDED, That trust companies regularly organized under the laws of this state and national banks when authorized so to do may act as the personal representative of decedents' or incompetents' estates upon petition of any person having a right to such appointment and may act as executors or guardians when so appointed by will: PROVIDED FURTHER, That professional service corporations regularly organized under the laws of this state whose shareholder or shareholders are exclusively attorneys may act as personal representatives. (~~But~~) No trust company or national bank (~~shall be entitled to~~) may qualify as such executor or guardian under any will hereafter drawn by it(;) or its agents or employees, and no salaried attorney of any such company (~~shall~~) may be allowed any attorney fee for probating any such will(;) or in relation to the administration or settlement of any such estate, and no part of any attorney fee (~~shall~~) may inure, directly or indirectly, to the benefit of any trust company or national bank. (~~And~~) When any person to whom letters testamentary or of administration have been issued becomes disqualified to act because of becoming of unsound mind(;) or being convicted of any crime or misdemeanor involving moral turpitude, the court having jurisdiction shall revoke his or her letters. A nonresident may be appointed to act as personal representative if (~~he~~) the nonresident (~~shall~~) appoints an agent(;) who is a resident of the county where such estate is being probated(;) or(;) who is an attorney of record of the estate, upon whom service of all papers may be made; such appointment to be made in writing and filed by the clerk with other papers of such estate; and, unless bond has been waived as provided by RCW 11.28.185, such nonresident personal representative shall file a bond to be approved by the court.

Sec. 2. Section 3, chapter 122, Laws of 1969 and RCW 18.100.030 are each amended to read as follows:

As used in this chapter the following words shall have the meaning indicated:

(1) The term "professional service" (~~shall~~) means any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization and which prior to the passage of this chapter and by reason of law could not be performed by a corporation, including, but not by way of limitation, certified public accountants, chiropractors, dentists, osteopaths, physicians, podiatrists, chiropodists, architects, veterinarians and attorneys at law.

(2) The term "professional corporation" means a corporation which is organized under this chapter for the purpose of rendering professional service (~~and which has as its shareholder or shareholders only individuals who~~

~~themselves are duly licensed or otherwise legally authorized within this state to render the same professional service as the corporation)).~~

(3) The term "ineligible person" means any individual, corporation, partnership, fiduciary, trust, association, government agency, or other entity which for any reason is or becomes ineligible under this chapter to own shares issued by a professional corporation.

Sec. 3. Section 6, chapter 122, Laws of 1969 and RCW 18.100.060 are each amended to read as follows:

No corporation organized ~~((and incorporated))~~ under this chapter may render professional services except through ~~((its directors, officers, employees or agents all of whom must be))~~ individuals who are duly licensed or otherwise legally authorized to render such professional services within this state: PROVIDED, That ((said term "employees" shall not)) nothing in this chapter shall be interpreted to ((mean)) require the licensing of clerks, secretaries, bookkeepers, technicians, and other assistants employed by a professional corporation who are not usually and ordinarily considered by custom and practice to be rendering professional services to the public for which a license or other legal authorization is required.

Sec. 4. Section 9, chapter 122, Laws of 1969 and RCW 18.100.090 are each amended to read as follows:

Except as otherwise provided in section 11 of this 1983 act, no professional ((service)) corporation organized under the provisions of this chapter may issue any of its capital stock to anyone other than an individual who is duly licensed or otherwise legally authorized to render the same specific professional services within this state as those for which the corporation was incorporated. ((No shareholder of a corporation organized under this chapter shall enter into a voting trust agreement or any other type agreement vesting another person with the authority to exercise the voting power of any or all of his stock.))

Sec. 5. Section 11 chapter 122, Laws of 1969 and RCW 18.100.110 are each amended to read as follows:

No shareholder of a corporation organized as a professional ~~((service))~~ corporation may sell or transfer his shares in such corporation except to another individual who is eligible to be a shareholder of such corporation. ~~((The articles of incorporation of a professional service corporation shall require that each shareholder in the corporation provide for a redemption or cancellation of all shares which are transferred to any person or entity ineligible to be a shareholder, whether such transfer be voluntary, involuntary or by operation of law))~~ Any transfer of shares in violation of this section shall be void. However, nothing in this section prohibits the transfer of shares of a professional corporation by operation of law or court decree.

Sec. 6. Section 13, chapter 122, Laws of 1969 and RCW 18.100.130 are each amended to read as follows:

The provisions of Title 23A RCW shall be applicable to a corporation organized pursuant to this chapter except to the extent that any of the provisions of this chapter are interpreted to be in conflict with the provisions thereof, and in such event the provisions and sections of this chapter shall take precedence with respect to a corporation organized pursuant to the provisions of this chapter. (~~(A professional corporation organized under this chapter shall consolidate or merge only with another domestic professional corporation organized under this chapter to render the same specific professional service and a merger or consolidation with any foreign corporation is prohibited.)~~)

NEW SECTION. Sec. 7. There is added to chapter 18.100 RCW a new section to read as follows:

Except as otherwise provided in section 11 of this act, all directors of a corporation organized under this chapter and all officers other than the secretary and the treasurer shall be duly licensed or otherwise legally authorized to render the same specific professional services within this state as those for which the corporation was incorporated.

NEW SECTION. Sec. 8. There is added to chapter 18.100 RCW a new section to read as follows:

(1) A corporation organized under this chapter may merge or consolidate with another corporation, domestic or foreign, organized to render the same specific professional services, only if every shareholder of each corporation is eligible to be a shareholder of the surviving or new corporation.

(2) Upon the merger or consolidation of a corporation organized under this chapter, the surviving or new corporation, as the case may be, may render professional services in this state only if it is organized under, and complies with, the provisions of this chapter.

NEW SECTION. Sec. 9. There is added to chapter 18.100 RCW a new section to read as follows:

A professional corporation may amend its articles of incorporation to delete from its stated purposes the rendering of professional services and to conform to the requirements of Title 23A RCW. Upon the effective date of such amendment, the corporation shall no longer be subject to the provisions of this chapter and shall continue in existence as a corporation under Title 23A RCW.

NEW SECTION. Sec. 10. There is added to chapter 18.100 RCW a new section to read as follows:

If a shareholder of a professional corporation dies, or if shares of a professional corporation are transferred by operation of law or court decree to an ineligible person, and if the shares held by the deceased shareholder or by such ineligible person are less than all of the outstanding shares of the corporation:

(1) The shares held by the deceased shareholder or by the ineligible person may be transferred to remaining shareholders of the corporation or may be redeemed by the corporation pursuant to terms stated in the articles of incorporation or by laws of the corporation, or in a private agreement. In the absence of any such terms, such shares may be transferred to any individual eligible to be a shareholder of the corporation.

(2) If such a redemption or transfer of the shares held by a deceased shareholder or an ineligible person is not completed within twelve months after the death of the deceased shareholder or the transfer, as the case may be, such shares shall be deemed to be shares with respect to which the holder has elected to exercise the right of dissent described in RCW 23A.24.040 and has made written demand on the corporation for payment of the fair value of such shares. The corporation shall forthwith cancel the shares on its books and the deceased shareholder or ineligible person shall have no further interest in the corporation other than the right to payment for the shares as is provided in RCW 23A.24.040. For purposes of the application of RCW 23A.24.040, the date of the corporate action and the date of the shareholder's written demand shall be deemed to be one day after the date on which the twelve-month period from the death of the deceased shareholder, or from the transfer, expires.

NEW SECTION. Sec. 11. There is added to chapter 18.100 RCW a new section to read as follows:

If all of the outstanding shares of a professional corporation are held by an administrator, executor, guardian, conservator, or receiver of the estate of a former shareholder, or by a transferee who received such shares by operation of law or court decree, such administrator, executor, guardian, conservator, receiver, or transferee for a period of twelve months following receipt or transfer of such shares may be a director, officer, or shareholder of the professional corporation.

NEW SECTION. Sec. 12. There is added to chapter 18.100 RCW a new section to read as follows:

A proxy, voting trust, or other voting agreement with respect to shares of a professional corporation shall not be valid unless all holders thereof, all trustees and beneficiaries thereof, or all parties thereto, as the case may be, are eligible to be shareholders of the corporation.

NEW SECTION. Sec. 13. Section 1, chapter 57, Laws of 1971 and RCW 18.100.135 are each repealed.

Passed the Senate April 13, 1983.

Passed the House April 11, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 52

[Substitute Senate Bill No. 3516]

## LEGISLATURE—COMMITTEES—SUNSET TERMINATION

AN ACT Relating to the legislative branch of government; amending section 1, chapter 43, Laws of 1951 as last amended by section 30, chapter 87, Laws of 1980 and RCW 44.28-.010; amending section 11, chapter 157, Laws of 1951 as amended by section 3, chapter 95, Laws of 1959 and RCW 1.08.025; amending section 9, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.410; amending section 10, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.415; amending section 11, chapter 215, Laws of 1969 ex. sess. as last amended by section 99, chapter 3, Laws of 1983 and RCW 41.56.420; amending section 13, chapter 74, Laws of 1967 as amended by section 6, chapter 157, Laws of 1981 and RCW 43.63A.130; repealing section 1, chapter 36, Laws of 1947, section 1, chapter 148, Laws of 1965 ex. sess., section 6, chapter 134, Laws of 1967 ex. sess., section 1, chapter 10, Laws of 1969, section 28, chapter 87, Laws of 1980 and RCW 44.24.010; repealing section 2, chapter 36, Laws of 1947, section 1, chapter 206, Laws of 1955, section 1, chapter 134, Laws of 1967 ex. sess., section 29, chapter 87, Laws of 1980 and RCW 44.24.020; repealing section 3, chapter 36, Laws of 1947, section 2, chapter 134, Laws of 1967 ex. sess. and RCW 44.24.030; repealing section 4, chapter 36, Laws of 1947, section 3, chapter 134, Laws of 1967 ex. sess. and RCW 44.24.040; repealing section 5, chapter 36, Laws of 1947 and RCW 44.24.050; repealing section 6, chapter 36, Laws of 1947, section 1, chapter 142, Laws of 1951, section 2, chapter 206, Laws of 1955, section 4, chapter 134, Laws of 1967 ex. sess., section 153, chapter 151, Laws of 1979 and RCW 44.24.060; repealing section 7, chapter 36, Laws of 1947, section 3, chapter 206, Laws of 1955, section 5, chapter 134, Laws of 1967 ex. sess. and RCW 44.24.070; repealing section 8, chapter 36, Laws of 1947 and RCW 44.24.900; repealing section 1, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.010; repealing section 2, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.015; repealing section 3, chapter 265, Laws of 1969 ex. sess., section 32, chapter 87, Laws of 1980 and RCW 44.30.020; repealing section 4, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.025; repealing section 5, chapter 265, Laws of 1969 ex. sess., section 33, chapter 87, Laws of 1980 and RCW 44.30.030; repealing section 6, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.035; repealing section 7, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.040; repealing section 8, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.045; repealing section 9, chapter 265, Laws of 1969 ex. sess., section 154, chapter 151, Laws of 1979 and RCW 44.30.050; repealing section 10, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.055; repealing section 11, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.060; repealing section 12, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.065; repealing section 13, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.070; repealing section 14, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.075; repealing section 1, chapter 130, Laws of 1965 ex. sess. and RCW 44-.33.200; repealing section 2, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.210; repealing section 3, chapter 130, Laws of 1965 ex. sess., section 3, chapter 10, Laws of 1969, section 34, chapter 87, Laws of 1980 and RCW 44.33.220; repealing section 4, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.230; repealing section 5, chapter 130, Laws of 1965 ex. sess., section 6, chapter 10, Laws of 1969, section 35, chapter 87, Laws of 1980 and RCW 44.33.240; repealing section 6, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.250; repealing section 7, chapter 130, Laws of 1965 ex. sess. and RCW 44-.33.260; repealing section 8, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.270; repealing section 9, chapter 130, Laws of 1965 ex. sess., section 155, chapter 151, Laws of 1979 and RCW 44.33.280; repealing section 10, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.290; repealing section 11, chapter 130, Laws of 1965 ex. sess. and RCW 44-.33.300; repealing section 12, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.310; repealing section 13, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.320; repealing section 14, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.330; repealing section 15, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.340; repealing section 1, chapter 308, Laws of 1961 and RCW 44.36.010; repealing section 2, chapter 308, Laws of 1961 and RCW 44.36.020; repealing section 3, chapter 308, Laws of 1961, section 36, chapter 87, Laws of 1980 and RCW 44.36.030; repealing section 4, chapter 308, Laws of 1961 and

RCW 44.36.040; repealing section 5, chapter 308, Laws of 1961, section 37, chapter 87, Laws of 1980 and RCW 44.36.050; repealing section 5, chapter 308, Laws of 1961 and RCW 44.36.060; repealing section 7, chapter 308, Laws of 1961 and RCW 44.36.070; repealing section 8, chapter 308, Laws of 1961 and RCW 44.36.080; repealing section 9, chapter 308, Laws of 1961 and RCW 44.36.090; repealing section 10, chapter 308, Laws of 1961 and RCW 44.36.100; repealing section 11, chapter 308, Laws of 1961 and RCW 44.36.110; repealing section 12, chapter 308, Laws of 1961 and RCW 44.36.120; repealing section 13, chapter 308, Laws of 1961 and RCW 44.36.130; repealing section 14, chapter 308, Laws of 1961 and RCW 44.36.140; repealing section 15, chapter 308, Laws of 1961 and RCW 44.36.150; repealing section 16, chapter 308, Laws of 1961 and RCW 44.36.160; and amending section 7, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.043.

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

Sec. 1. Section 1, chapter 43, Laws of 1951 as last amended by section 30, chapter 87, Laws of 1980 and RCW 44.28.010 are each amended to read as follows:

There is hereby created a legislative budget committee which shall consist of eight senators and eight 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 four members from each house shall be from the same political party. ~~((A))~~ Members shall be appointed ~~((before the close of the 1967 session of the legislature and))~~ before the close of each regular session of the legislature during an odd-numbered year ~~((thereafter))~~: PROVIDED, That if prior to the close of ~~((each))~~ a regular session during an odd-numbered year, the governor ~~((shall))~~ issues a proclamation convening the legislature into special session, or the legislature ~~((shall))~~ by resolution convenes the legislature into special session, following such regular session, then such appointments shall be made as a matter of closing business of such special session. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house. In the event of a failure to appoint committee members, either on the part of the president of the senate or on the part of the speaker of the house, or in the event of a refusal by either the senate or the house to confirm appointments on the committee, then the members of the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house.

Sec. 2. Section 11, chapter 157, Laws of 1951 as amended by section 3, chapter 95, Laws of 1959 and RCW 1.08.025 are each amended to read as follows:

The committee, or the reviser with the approval of the committee, shall from time to time make written recommendations to the legislature concerning deficiencies, conflicts, or obsolete provisions in, and need for reorganization or revision of, the statutes, and shall prepare for submission to the legislature, legislation for the correction or removal of such deficiencies,



conflicts or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state as the public interest or the administration of the subject may require.

Such or similar projects may also be undertaken at the request of the legislature, ~~((the legislative council, other))~~ legislative interim bodies, and the judicial council and if such undertaking will not impede the other functions of the committee.

All such proposed legislation shall be annotated so as to show the purposes, reasons, and history thereof.

Sec. 3. Section 9, chapter 215, Laws of 1969 ex. sess. and RCW 41.56-.410 are each amended to read as follows:

The committee, by majority vote, shall select from among the members a chairman and such other officers as the committee shall deem appropriate. The committee, by majority vote, may prescribe rules of procedure for itself, may from time to time establish ad hoc committees, and may take such other action as it shall deem appropriate to accomplish its purposes.

~~((The legislative members of the committee shall serve as liaison members to the legislative council. The staff of the legislative council shall serve as the staff of the committee and shall provide such clerical, research and other assistance as the committee shall deem appropriate to accomplish its purposes.))~~

Sec. 4. Section 10, chapter 215, Laws of 1969 ex. sess. and RCW 41-.56.415 are each amended to read as follows:

The members of the committee shall receive no compensation but shall be reimbursed for their expenses while attending meetings of the committee in the same manner as legislators engaged in interim committee business as in RCW 44.04.120. ~~((Payment of expenses shall be made by vouchers approved in the same manner as other expenses of the legislative council.))~~

Sec. 5. Section 11, chapter 215, Laws of 1969 ex. sess. as last amended by section 99, chapter 3, Laws of 1983 and RCW 41.56.420 are each amended to read as follows:

The committee shall study the operation of chapter 108, Laws of 1967 extraordinary session, relating to public employees collective bargaining, including an evaluation of the collective bargaining practices and procedures of uniformed personnel, and review the efficacy of RCW 28B.16.130, 41-.06.340, 41.56.140 through 41.56.190 and 41.56.400 through 41.56.420 or any part thereof as a means of furthering and improving management relationships within public service. The committee shall submit its report to the governor and the state legislature ~~((, with a copy to the legislative council;))~~ prior to the convening of each regular session of the legislature during an odd-numbered year, or to any special session if the committee deems it appropriate. The report shall contain specific recommendations as to necessary

or desirable changes, if any, in the law, and shall also include any proposed legislation necessary to implement the recommendations of the committee.

Sec. 6. Section 13, chapter 74, Laws of 1967 as amended by section 6, chapter 157, Laws of 1981 and RCW 43.63A.130 are each amended to read as follows:

The director or the governor may establish such additional advisory or coordinating groups with the legislature (~~(or legislative council)~~), within state government, with state and other governmental units or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 36, Laws of 1947, section 1, chapter 148, Laws of 1965 ex. sess., section 6, chapter 134, Laws of 1967 ex. sess., section 1, chapter 10, Laws of 1969, section 28, chapter 87, Laws of 1980 and RCW 44.24.010;

(2) Section 2, chapter 36, Laws of 1947 section 1, chapter 206, Laws of 1955, section 1, chapter 134, Laws of 1967 ex. sess., section 29, chapter 87, Laws of 1980 and RCW 44.24.020;

(3) Section 3, chapter 36, Laws of 1947, section 2, chapter 134, Laws of 1967 ex. sess. and RCW 44.24.030;

(4) Section 4, chapter 36, Laws of 1947, section 3, chapter 134, Laws of 1967 ex. sess. and RCW 44.24.040;

(5) Section 5, chapter 36, Laws of 1947 and RCW 44.24.050;

(6) Section 6, chapter 36, Laws of 1947, section 1, chapter 142, Laws of 1951, section 2, chapter 206, Laws of 1955, section 4, chapter 134, Laws of 1967 ex. sess., section 153, chapter 151, Laws of 1979 and RCW 44.24.060;

(7) Section 7, chapter 36, Laws of 1947, section 3, chapter 206, Laws of 1955, section 5, chapter 134, Laws of 1967 ex. sess. and RCW 44.24.070; and

(8) Section 8, chapter 36, Laws of 1947 and RCW 44.24.900.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.010;

(2) Section 2, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.015;

(3) Section 3, chapter 265, Laws of 1969 ex. sess., section 32, chapter 87, Laws of 1980 and RCW 44.30.020;

(4) Section 4, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.025;

(5) Section 5, chapter 265, Laws of 1969 ex. sess., section 33, chapter 87, Laws of 1980 and RCW 44.30.030;

(6) Section 6, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.035;

(7) Section 7, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.040;

(8) Section 8, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.045;

(9) Section 9, chapter 265, Laws of 1969 ex. sess., section 154, chapter 151, Laws of 1979 and RCW 44.30.050;

(10) Section 10, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.055;

(11) Section 11, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.060;

(12) Section 12, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.065;

(13) Section 13, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.070; and

(14) Section 14, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.075.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.200;

(2) Section 2, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.210;

(3) Section 3, chapter 130, Laws of 1965 ex. sess., section 3, chapter 10, Laws of 1969, section 34, chapter 87, Laws of 1980 and RCW 44.33.220;

(4) Section 4, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.230;

(5) Section 5, chapter 130, Laws of 1965 ex. sess., section 6, chapter 10, Laws of 1969, section 35, chapter 87, Laws of 1980 and RCW 44.33.240;

(6) Section 6, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.250;

(7) Section 7, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.260;

(8) Section 8, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.270;

(9) Section 9, chapter 130, Laws of 1965 ex. sess., section 155, chapter 151, Laws of 1979 and RCW 44.33.280;

(10) Section 10, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.290;

(11) Section 11, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.300;

(12) Section 12, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.310;

(13) Section 13, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.320;

(14) Section 14, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.330; and

(15) Section 15, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.340.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 308, Laws of 1961 and RCW 44.36.010;

(2) Section 2, chapter 308, Laws of 1961 and RCW 44.36.020;

(3) Section 3, chapter 308, Laws of 1961, section 36, chapter 87, Laws of 1980 and RCW 44.36.030;

- (4) Section 4, chapter 308, Laws of 1961 and RCW 44.36.040;
- (5) Section 5, chapter 308, Laws of 1961, section 37, chapter 87, Laws of 1980 and RCW 44.36.050;
- (6) Section 6, chapter 308, Laws of 1961 and RCW 44.36.060;
- (7) Section 7, chapter 308, Laws of 1961 and RCW 44.36.070;
- (8) Section 8, chapter 308, Laws of 1961 and RCW 44.36.080;
- (9) Section 9, chapter 308, Laws of 1961 and RCW 44.36.090;
- (10) Section 10, chapter 308, Laws of 1961 and RCW 44.36.100;
- (11) Section 11, chapter 308, Laws of 1961 and RCW 44.36.110;
- (12) Section 12, chapter 308, Laws of 1961 and RCW 44.36.120;
- (13) Section 13, chapter 308, Laws of 1961 and RCW 44.36.130;
- (14) Section 14, chapter 308, Laws of 1961 and RCW 44.36.140;
- (15) Section 15, chapter 308, Laws of 1961 and RCW 44.36.150; and
- (16) Section 16, chapter 308, Laws of 1961 and RCW 44.36.160.

Sec. 11. Section 7, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.043 are each amended to read as follows:

The authority shall complete the following tasks within the number of days after April 25, 1973 allotted for each task contingent upon the funding of the authority:

- (1) Task 1: Preparation of an organization and staffing plan; to be accomplished within one hundred five days;
- (2) Task 2: Staffing of the authority; consisting of the transfer of the data processing advisory committee's staff and the data processing coordinator and his staff to the authority within ninety days; and additional staffing to be accomplished within one hundred fifty days;
- (3) Task 3: Formulation, publication, and implementation of automatic data processing language standards; to be accomplished within two hundred forty days;
- (4) Task 4: Formulation and implementation of standards for resources utilization reporting, including hardware, software, and personnel; to be accomplished within two hundred seventy days;
- (5) Task 5: Formulation and implementation of system development standards; to be accomplished within two hundred seventy days;
- (6) Task 6: Evaluation of (a) the regional educational computer network study authorized by the council of presidents of the institutions of higher education and (b) the comprehensive plan for computing in the community colleges adopted by the board of community college education; both to be accomplished within three hundred days;
- (7) Task 7: Development of a short range resource plan, including a supplemental budget request; to be accomplished within three hundred days;
- (8) Task 8: Formulation of agency requirements reporting standards; to be accomplished within three hundred thirty days;
- (9) Task 9: Taking inventory of local government automated data processing resources; to be accomplished within three hundred thirty days;

(10) Task 10: Presentation of a preliminary report on the status of automated data processing of the institutions of higher education and of Olympia based state agencies with recommendations for consolidation of such resources of the Olympia based state agencies; to be accomplished within three hundred thirty days;

(11) Task 11: Presentation of a progress report on the definition of standard common business identifiers; to be accomplished within three hundred sixty days;

(12) Task 12: Presentation of a report on policies and procedures for confidentiality and privacy of data; to be accomplished within three hundred sixty days;

(13) Task 13: Presentation of a preliminary progress report to the governor and to the legislature; to be accomplished within three hundred sixty days;

(14) Task 14: Summarization of consolidated agencies and institutions automated data processing requirements; to be accomplished within three hundred ninety days;

(15) Task 15: Presentation of a budget plan and request for the 1975-1977 fiscal biennium; to be accomplished within four hundred eighty days;

(16) Task 16: Development of an internal performance measurement and auditing system; to be accomplished within five hundred ten days;

(17) Task 17: Development of a standard plan for data center operation; to be accomplished within five hundred forty days;

(18) Task 18: Definition of common application systems; to be accomplished within five hundred forty days; and

(19) Task 19: Transmittal to the governor and to the legislature, a Washington state comprehensive data processing plan, which includes the recommended organization of all data processing related functions, a recommendation whether the authority should be phased out and all state data processing functions transferred to a single state agency, and development of an orderly plan for implementation of such recommendations; to the governor to be accomplished within five hundred seventy-five days. (~~The legislative budget committee shall report to the legislature ten days prior to the first legislative session in 1974 and yearly thereafter regarding the progress being made by the authority in fulfilling the mandates and directives of this chapter.~~)

Passed the Senate April 13, 1983.

Passed the House April 11, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 53

[Senate Bill No. 3993]

## JOINT ADMINISTRATIVE RULES REVIEW COMMITTEE

AN ACT Relating to the joint administrative rules review committee; and amending section 5, chapter 324, Laws of 1981 and RCW 34.04.210.

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

Sec. 1. Section 5, chapter 324, Laws of 1981 and RCW 34.04.210 are each amended to read as follows:

(1) There is hereby created a joint administrative rules review committee which shall be a bipartisan committee consisting of four senators and four representatives from the state 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 may be from the same political party. All appointments to the committee are subject to approval by the caucuses to which the appointed members belong.

(2) The initial members of the committee shall be appointed as soon as possible after July 26, 1981, and shall serve until the next regular session of the legislature convenes in an odd-numbered year. Thereafter members shall be appointed as soon as possible after the legislature convenes in regular session in an odd-numbered year, and their terms shall extend until ~~((the legislature next convenes in))~~ their successors are appointed and qualified at the next regular session of the legislature in an odd-numbered year or until such members no longer serve in the legislature, whichever occurs first. Members may be reappointed to a committee.

(3) The president of the senate shall appoint the chairperson in even-numbered years and the vice chairperson in odd-numbered years from among committee membership. The speaker of the house shall appoint the chairperson in odd-numbered years and the vice chairperson in even-numbered years from among committee membership. Such appointments shall be made in January of each year as soon as possible after a legislative session convenes.

(4) ~~((Vacancies))~~ A vacancy on the committee shall be filled ((as soon as possible)) by appointment of a legislator from the same political party as the original appointment((s)). The appropriate appointing authority shall make the appointment within thirty days of the vacancy occurring.

Passed the Senate April 13, 1983.

Passed the House April 12, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 54

[Engrossed Senate Bill No. 4205]

## PRODUCTIVITY BOARD—BOARD COMPOSITION—EXPENSES—FUNDS

AN ACT Relating to the productivity board; amending section 1, chapter 142, Laws of 1965 ex. sess. as last amended by section 6, chapter 167, Laws of 1982 and RCW 41.60.010; amending section 1, chapter 167, Laws of 1982 and RCW 41.60.015; amending section 5, chapter 142, Laws of 1965 ex. sess. as last amended by section 11, chapter 167, Laws of 1982 and RCW 41.60.050; amending section 17, chapter 167, Laws of 1982 (uncodified); and declaring an emergency.

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

Sec. 1. Section 1, chapter 142, Laws of 1965 ex. sess. as last amended by section 6, chapter 167, Laws of 1982 and RCW 41.60.010 are each amended to read as follows:

As used in this chapter:

- (1) "Board" means the productivity board.
- (2) "Employee suggestion program" means the program developed by the board under RCW 41.60.020.
- (3) "State employees" means employees in agencies subject to chapter 41.06 or 28B.16 RCW.

Sec. 2. Section 1, chapter 167, Laws of 1982 and RCW 41.60.015 are each amended to read as follows:

(1) There is hereby created the productivity board. The board shall administer the employee suggestion program under this chapter and shall review applications for incentive pay for state employees under RCW 41.60.100, 41.60.110, and 41.60.120.

(2) The board shall be composed of:

- (a) The secretary of state who shall act as chairperson;
- (b) The ~~((state auditor))~~ director of personnel or the director's designee;
- (c) The director of financial management or the director's designee; and
- (d) Three persons with experience in administering incentives such as those used by industry, with the governor, lieutenant governor, and speaker of the house of representatives each appointing one person. The governor's appointee shall be a representative of an employee organization certified as an exclusive representative of at least one bargaining unit of classified employees, but no one organization may be represented for two consecutive terms.

Initially, the person appointed by the governor shall serve a one-year term, the person appointed by the lieutenant governor shall serve a two-year term, and the person appointed by the speaker shall serve a three-year term. Thereafter, these members shall serve three-year terms.

Sec. 3. Section 5, chapter 142, Laws of 1965 ex. sess. as last amended by section 11, chapter 167, Laws of 1982 and RCW 41.60.050 are each amended to read as follows:

Until June 30, 1985, administrative expenses of the board in administering this chapter shall not exceed fifty thousand dollars per year ((and)). After June 30, 1985, such expenses shall not exceed the revenue transferred to the department of personnel service fund under RCW 41.60.041(5) and 41.60.120. Administrative expenses shall be paid from the department of personnel service fund.

Sec. 4. Section 17, chapter 167, Laws of 1982 (uncodified) is amended to read as follows:

There is appropriated from the department of personnel service fund to the department of personnel for the fiscal year ending June 30, 1983, the sum of fifty thousand dollars, or so much thereof as may be necessary, for the operations of the productivity board. ~~((Funds expended under this section shall not exceed the revenue to the department of personnel service fund under sections 4 and 9 of this act.))~~

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 March 25, 1983.

Passed the House April 12, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 55

[Engrossed House Bill No. 63]

### LICENSED PRACTICAL NURSES—STANDARDS—REGULATION

AN ACT Relating to practical nurses; amending section 1, chapter 222, Laws of 1949 as last amended by section 1, chapter 79, Laws of 1967 and RCW 18.78.010; amending section 2, chapter 222, Laws of 1949 as amended by section 2, chapter 79, Laws of 1967 and RCW 18.78.020; amending section 3, chapter 222, Laws of 1949 and RCW 18.78.030; amending section 4, chapter 222, Laws of 1949 as last amended by section 45, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.78.040; amending section 5, chapter 222, Laws of 1949 as last amended by section 64, chapter 158, Laws of 1979 and RCW 18.78.050; amending section 6, chapter 222, Laws of 1949 as last amended by section 26, chapter 292, Laws of 1971 ex. sess. and RCW 18.78.060; amending section 7, chapter 222, Laws of 1949 and RCW 18.78.070; amending section 10, chapter 222, Laws of 1949 as last amended by section 66, chapter 158, Laws of 1979 and RCW 18.78.090; amending section 11, chapter 222, Laws of 1949 as amended by section 1, chapter 68, Laws of 1971 and RCW 18.78.100; amending section 12, chapter 222, Laws of 1949 as amended by section 46, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.78.110; amending section 17, chapter 222, Laws of 1949 and RCW 18.78.160; amending section 18, chapter 222, Laws of 1949 as amended by section 5, chapter 79, Laws of 1967 and RCW 18.78.170; amending section 7, chapter 79, Laws of 1967 and RCW 18.78.175; amending section 6, chapter 79, Laws of 1967 as amended by section 2, chapter 68, Laws of 1971 and



RCW 18.78.182; adding new sections to chapter 18.78 RCW; repealing section 13, chapter 222, Laws of 1949, section 47, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.78.120; repealing section 14, chapter 222, Laws of 1949 and RCW 18.78.130; repealing section 15, chapter 222, Laws of 1949, section 60, chapter 81, Laws of 1971 and RCW 18.78.140; and repealing section 16, chapter 222, Laws of 1949 and RCW 18.78.150.

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

NEW SECTION. Sec. 1. There is added to chapter 18.78 RCW a new section to read as follows:

The purpose of this chapter is to protect the health of the general public and to provide for the establishment and enforcement of standards for licensing practical nurses. Any person offering to practice as a licensed practical nurse in this state shall be licensed as provided in this chapter.

Sec. 2. Section 1, chapter 222, Laws of 1949 as last amended by section 1, chapter 79, Laws of 1967 and RCW 18.78.010 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 meanings:

(1) "Board" shall mean "Washington state board of practical (~~nurse examiners~~) nursing."

(2) "Curriculum" means the theoretical and practical studies which must be taught in order for students to meet the minimum standards of competency as determined by the board.

(3) "Director" shall mean "director of licensing."

~~((3))~~ (4) "Licensed practical nurse," abbreviated "L.P.N.," ~~((shall))~~ means ~~((a))~~ a person licensed by the board to practice practical nursing. ~~((a~~

~~(4))~~ (5) "Licensed practical nurse practice" shall mean ~~((the performing for compensation, services required in the nursing care of the ill, injured or infirm, under the direction of a licensed physician and surgeon, osteopathic physician and surgeon, dentist, chiropodist, or under the direction and supervision of a licensed registered professional nurse and not involving the specialized education, knowledge, skill and exercise of independent judgment required in professional nursing.))~~ the performance of services requiring the knowledge, skill, and judgment necessary for carrying out selected aspects of the designated nursing regimen under the direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, or podiatrist or at the direction and under the supervision of a registered nurse.

~~((5))~~ (6) "Supervision" shall mean the critical evaluation of acts performed with authority to take corrective action, but shall not be construed so as to require direct and bodily presence.

Sec. 3. Section 2, chapter 222, Laws of 1949 as amended by section 2, chapter 79, Laws of 1967 and RCW 18.78.020 are each amended to read as follows:

There is hereby created a board to be known and designated as the "Washington state board of practical (~~(nurse-examiners)~~) nursing." The board shall be composed of five members, appointed by the governor as follows:

(1) Two members shall be licensed registered (~~(professional)~~) nurses (~~((having had))~~) who have no less than five years' experience in the practice of nursing, one of whom shall be a registered nurse actively engaged in instructing in an approved practical nursing course, and one of whom shall be a registered nurse (~~((experienced in instructing in an approved practical nursing course))~~) supervisor of licensed practical nurses;

(2) (~~(One registered professional nurse who is actively engaged in the supervision of an approved program for practical nursing))~~ There shall be one public member who does not derive his or her livelihood primarily from the provision of health services and is not:

(a) A present or former member of another licensing board;

(b) A licensed health professional; or

(c) An employee of a health care facility;

(3) Two members shall be licensed practical nurses(~~(, at least twenty= three years of age.))~~) who shall have had not less than ((three)) five years' actual experience as a licensed practical nurse and who have ((completed an approved course in practical nursing)) practiced as a practical nurse within two years of appointment.

Sec. 4. Section 3, chapter 222, Laws of 1949 and RCW 18.78.030 are each amended to read as follows:

On the effective date of this 1983 act, the members of the ((first)) board shall be appointed to serve as follows:

(1) One (~~((professional nurse and one))~~) licensed practical nurse for a term of five years;

(2) One (~~((practical))~~) registered nurse for a term of four years;

(3) One (~~((professional nurse and one supervisor of))~~) licensed practical nurse(~~((s for terms of three years each))~~) for a term of three years;

(4) One registered nurse for a term of two years; and

(5) One public member for a term of one year.

Thereafter all appointments shall be for terms of five years each. Vacancies occurring on the board shall be filled for the unexpired term by appointment of the governor, who also may remove any member from the board for neglect of duty required by law, or for incompetency or unprofessional or disorderly conduct.

Sec. 5. Section 4, chapter 222, Laws of 1949 as last amended by section 45, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.78.040 are each amended to read as follows:

~~((The board shall have jurisdiction over the practical nurses of the state of Washington as distinguished from the registered professional nurses in all matters relating to practical nursing.))~~ Each board member shall receive

~~((twenty=five))~~ fifty dollars for each day engaged in the discharge of his or her duties as a member of the board, and shall be paid travel expenses while away from home in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The members of the board shall appoint a chairman and a secretary from among its entire members, who shall serve until his or her successor is appointed by the board.

Sec. 6. Section 5, chapter 222, Laws of 1949 as last amended by section 64, chapter 158, Laws of 1979 and RCW 18.78.050 are each amended to read as follows:

The board shall conduct examinations for all applicants for licensure under this chapter and shall certify qualified applicants to the ~~((business and professions administration in the))~~ department of licensing for licensing~~((; those applicants duly qualified))~~. The board shall also determine and formulate what constitutes the curriculum for an approved practical nursing ~~((course, the same to be written and filed with the secretary of the board. The board may amend said requirements from time to time and any such amendment shall also be in writing and filed with the secretary of the board. Upon request of any hospital or other agency within the state of Washington, the secretary of the board shall furnish and forward by mail a copy of said written requirements constituting an approved course, and any written amendments thereto))~~ program preparing persons for licensure under this chapter. The board shall establish criteria for licensure by endorsement. The board or an administrative law judge appointed under chapter 34.12 RCW may conduct hearings for the suspension or revocation of licenses.

The board shall adopt such rules as are necessary to fulfill the purposes of this chapter pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 7. There is added to chapter 18.78 RCW a new section to read as follows:

If in the opinion of the board the curriculum of a program of practical nursing meets the requirements of the board, the program shall be approved.

All approved practical nursing programs in the state shall be surveyed and the board shall review written reports of each survey. The surveys shall be conducted periodically as determined by the board. If the board determines that an approved practical nursing program is not maintaining the curriculum standards required for approval, the board shall give written notice specifying the deficiencies. Failure to correct the deficiencies within a period of time specified by the board shall result in the suspension of the program's approval.

Sec. 8. Section 6, chapter 222, Laws of 1949 as last amended by section 26, chapter 292, Laws of 1971 ex. sess. and RCW 18.78.060 are each amended to read as follows:

An applicant for a license to practice nursing as a licensed practical nurse shall submit to the board written evidence, on a form provided by the board, verified under oath, that the applicant:

- (1) Is at least eighteen years of age;
- (2) Is of good moral character;
- (3) Is of good physical and mental health;
- (4) Has completed at least a tenth grade course or its equivalent, as determined by the board;
- (5) Has completed an approved ~~((course))~~ program of not less than nine months for the ~~((training))~~ education of practical nurses, or its equivalent, as determined by the board.

To be licensed as a ~~((licensed))~~ practical nurse, each applicant shall be required to pass ~~((a written))~~ an examination in such subjects as the board may determine within the scope of and commensurate with the work to be performed by a licensed practical nurse. ~~((Each written examination may be supplemented by an oral or practical examination.))~~ Any applicant failing to pass such an examination may apply for reexamination. Upon passing such examination as determined by the board, the director shall issue to the applicant a license to practice as a licensed practical nurse, providing the license fee is paid by the applicant and the applicant meets all other requirements of the board.

Sec. 9. Section 7, chapter 222, Laws of 1949 and RCW 18.78.070 are each amended to read as follows:

The director may issue a license to practice as a licensed practical nurse without examination to any applicant who has ~~((completed an approved course in practical nursing prior to January 1, 1950. The director may also issue a license to practice as a licensed practical nurse without examination to any applicant who has))~~ been duly licensed ~~((or registered))~~ as a licensed practical nurse ~~((or a person entitled to perform similar services, under a different title;))~~ by examination under the laws of another state ~~((territory or foreign country if, in the opinion of the board, the applicant has qualifications equivalent to the qualifications required in this state, and who establishes evidence thereof)).~~ An applicant graduated from a nursing program outside the United States and licensed by a country outside the United States shall meet all qualifications required by this chapter and by the board and shall pass an examination to be determined by the board.

Sec. 10. Section 10, chapter 222, Laws of 1949 as last amended by section 66, chapter 158, Laws of 1979 and RCW 18.78.090 are each amended to read as follows:

Every licensed practical nurse in this state shall ~~((register annually))~~ renew the license with the ~~((business and professions administration in the))~~ department of licensing ~~((on or before the first day of March;))~~ and shall pay ~~((an annual))~~ a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended ~~((and thereupon the license of such~~

~~person shall be renewed for a period of one year~~). Any failure to register and pay the ~~((annual))~~ renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor ~~((to the business and professions administration,))~~ and upon payment to the state of a penalty fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, together with all delinquent ~~((annual))~~ license renewal fees.

Sec. 11. Section 11, chapter 222, Laws of 1949 as amended by section 1, chapter 68, Laws of 1971 and RCW 18.78.100 are each amended to read as follows:

After consultation with the board, the director shall appoint ((a supervisor of practical nurse education who shall act as an executive to the board)) an executive secretary of the board to carry out the provisions of this chapter ~~((and))~~ who shall have the following qualifications:

- (1) Be a registered ~~((professional))~~ nurse in the state of Washington;
- (2) Be the holder of a baccalaureate degree from an accredited ~~((university or college))~~ four-year institution of higher education;
- (3) Have not less than five years' experience in the field of nursing; and
- (4) Have not less than two years' experience in nursing education.

Sec. 12. Section 12, chapter 222, Laws of 1949 as amended by section 46, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.78.110 are each amended to read as follows:

The director shall fix the compensation and provide for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for ~~((said supervisor of practical nurse education))~~ the executive secretary of the board and shall provide such clerical assistance as said director may deem necessary.

NEW SECTION. Sec. 13. There is added to chapter 18.78 RCW a new section to read as follows:

The department shall deny, revoke, or suspend a license on a recommendation of the board based upon any of the following findings that the applicant or licensee:

- (1) Procured or attempted to procure the license by fraud, deceit, or misrepresentation;
- (2) Plead guilty to any gross misdemeanor or felony involving drugs or was convicted of any felony relating to the person's practice as a practical nurse;
- (3) Is habitually intemperate in the use of drugs, controlled substances, or any other substance which impairs the performance of the person's practical nursing duties;
- (4) Distributed drugs for illegitimate purposes;
- (5) Removed drugs from the supply of an institution or patient for the person's own use or for any other improper purpose;

(6) Exhibits behavior which may be due to poor physical or mental health which creates an undue risk that the person, as a practical nurse, would cause harm to him or herself or other persons;

(7) Had a practical nursing license revoked or suspended and not reinstated in any state, territory, or possession of the United States or in any foreign country;

(8) Committed gross negligence in nursing practice;

(9) Engaged in any act inconsistent with good practical nursing practice;

(10) Knowingly engaged in any act which at the time it was committed was beyond the scope of that person's nursing practice according to rules adopted under this chapter; or

(11) Wilfully violated any of the provisions of this chapter or rules adopted under this chapter.

Upon the board's recommendation, the department shall reissue a license that has been revoked or suspended under this section. Application for the reissuance of a license shall not be considered within one year after revocation and shall be made in a manner the board may specify.

**NEW SECTION.** Sec. 14. There is added to chapter 18.78 RCW a new section to read as follows:

Hearings under this chapter shall be held at locations determined by the board. Testimony by deposition may be admitted under rules adopted by the board.

The board shall file a copy of its decision and order, including its findings of fact and conclusions of law, with the department. A written order of license revocation or suspension signed by the chairman of the board or the director and stating the grounds for revocation or suspension shall be served on the licensee.

Sec. 15. Section 17, chapter 222, Laws of 1949 and RCW 18.78.160 are each amended to read as follows:

This chapter shall not be construed as conferring authority to practice medicine or surgery, or to practice as a registered nurse, or to undertake the treatment or cure of disease, pain, injury, deformity or physical condition; nor shall it be construed (~~as prohibiting the care of the sick when done in connection with the practice of religious tenets of any church by adherents thereof, in caring for adherents thereof or caring for a patient of any drugless doctor~~) to prohibit:

(1) The incidental care of the sick by domestic servants or persons primarily employed as housekeepers, if they do not practice practical nursing within the meaning of this chapter;

(2) The domestic administration of family remedies or the furnishing of nursing assistance in case of emergency;

(3) Practical nurse practice by students enrolled in approved schools if incidental to their course of study, nor shall it prohibit these students from working as nursing aides;

(4) Auxiliary services provided by persons performing duties necessary for the support of nursing service including those duties which involve minor nursing services for persons performed in hospitals, nursing homes, or elsewhere under the direction of licensed physicians or the supervision of registered nurses;

(5) The practice of nursing in this state by a practical nurse legally qualified in another state or territory of the United States whose engagement requires the person to accompany and care for a patient temporarily residing in this state during the period of one engagement not to exceed six months, if the person does not represent himself or herself as a nurse licensed to practice in this state;

(6) Nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of any church by its adherents if they do not engage in practical nurse practice as defined in this chapter; or

(7) The practice, while in the course of official duties, of any legally qualified practical nurse of another state who is employed by the United States government or any of its bureaus, divisions, or agencies.

Sec. 16. Section 18, chapter 222, Laws of 1949 as amended by section 5, chapter 79, Laws of 1967 and RCW 18.78.170 are each amended to read as follows:

It shall be a gross misdemeanor for any person to practice nursing as a licensed practical nurse in this state unless such person shall have first obtained a license from the board (~~(- PROVIDED, That nothing in this chapter shall prohibit any person from nursing the sick for hire who does not in any way assume or represent himself or herself to be a "licensed practical nurse, abbreviated L.P.N."~~)).

Sec. 17. Section 7, chapter 79, Laws of 1967 and RCW 18.78.175 are each amended to read as follows:

If any person engages in licensed practical nurse practice without possessing a valid license so to do, (~~(or if a person violates the provisions of RCW 18.78.130,))~~ the attorney general, any prosecuting attorney, the board, the director, or any citizen (~~(of the same county))~~ may maintain an action in the name of the state to enjoin such person from engaging in licensed practical nurse practice. The injunction shall not relieve from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution (~~(and to suspension or revocation of his or her license))~~).

NEW SECTION. Sec. 18. There is added to chapter 18.78 RCW a new section to read as follows:

Reported violations of this chapter shall be investigated by the department or the board, as appropriate. If the department or board finds that a violation has occurred, it may report its finding to the prosecuting attorney

for the county in which the violation took place for prosecution. The department shall also report a finding of violation to the board.

Sec. 19. Section 6, chapter 79, Laws of 1967 as amended by section 2, chapter 68, Laws of 1971 and RCW 18.78.182 are each amended to read as follows:

A licensed practical nurse under his or her license may perform (~~for compensation~~) nursing care (as that term is usually understood) of the ill, injured, or infirm, and in the course thereof is authorized, (~~at or~~) under the direction and supervision of a licensed physician and surgeon, osteopathic physician and surgeon, dentist, (~~chiropracist~~) podiatrist (acting within the scope of his license), or at (~~or under~~) the direction and under the supervision of a (~~licensed~~) registered (~~professional~~) nurse, to administer drugs, medications, treatments, tests, injections, and inoculations, whether or not the piercing of tissues is involved and whether or not a degree of independent judgment and skill is required, when selected to do so by one of the licensed practitioners designated in this section, or by a (~~licensed~~) registered (~~professional~~) nurse who need not be physically present; provided the order given by such physician, dentist, or (~~chiropracist~~) podiatrist be reduced to writing within a reasonable time and made a part of the patient's record.

NEW SECTION. Sec. 20. There is added to chapter 18.78 RCW a new section to read as follows:

Any person feeling aggrieved by the refusal of the board to issue any license provided for in this chapter, or to renew the same, or by the revocation or suspension of the license issued under the provisions of this chapter, or any law being administered under this chapter, has the right of appeal in the manner provided by the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) Section 13, chapter 222, Laws of 1949, section 47, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.78.120;
- (2) Section 14, chapter 222, Laws of 1949 and RCW 18.78.130;
- (3) Section 15, chapter 222, Laws of 1949, section 60, chapter 81, Laws of 1971 and RCW 18.78.140; and
- (4) Section 16, chapter 222, Laws of 1949 and RCW 18.78.150.

NEW SECTION. Sec. 22. 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, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 21, 1983.

Filed in Office of Secretary of State April 21, 1983.

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## CHAPTER 56

[House Bill No. 106]

### EDUCATIONAL SERVICE DISTRICTS

AN ACT Relating to education; amending section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 9, chapter 359, Laws of 1977 ex. sess. and RCW 28A.02.201; amending section 12, chapter 282, Laws of 1971 ex. sess. as last amended by section 2, chapter 103, Laws of 1981 and RCW 28A.21.088; amending section 9, chapter 176, Laws of 1969 ex. sess. as last amended by section 18, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.090; amending section 14, chapter 176, Laws of 1969 ex. sess. as last amended by section 31, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.140; amending section 28A.48.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 68, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.030; amending section 28A.57.255, chapter 223, Laws of 1969 ex. sess. as last amended by section 97, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.255; amending section 28A.57.290, chapter 223, Laws of 1969 ex. sess. as last amended by section 98, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.290; amending section 28A.58.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 30, chapter 80, Laws of 1977 ex. sess. and RCW 28A.58.150; amending section 28A.59.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 118, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.59.150; amending section 1, chapter 111, Laws of 1973 as amended by section 21, chapter 43, Laws of 1975 and RCW 28A.60.328; amending section 16, chapter 15, Laws of 1970 ex. sess. as last amended by section 4, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.070; amending section 28A.70.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A.70.130; amending section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A.70.140; amending section 1, chapter 16, Laws of 1975-'76 2nd ex. sess. and RCW 41.32.420; repealing section 27, chapter 104, Laws of 1903, section 1, page 320, chapter 97, Laws of 1909, section 1, chapter 163, Laws of 1955, section 25, chapter 176, Laws of 1969 ex. sess., section 39, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.010; repealing section 28, chapter 104, Laws of 1903, section 2, page 320, chapter 97, Laws of 1909, section 2, chapter 163, Laws of 1955, section 26, chapter 176, Laws of 1969 ex. sess., section 8, chapter 195, Laws of 1973 1st ex. sess., section 40, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.020; repealing section 3, page 320, chapter 97, Laws of 1909, section 27, chapter 176, Laws of 1969 ex. sess., section 41, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.030; repealing section 4, page 320, chapter 97, Laws of 1909, section 3, chapter 163, Laws of 1955, section 28, chapter 176, Laws of 1969 ex. sess., section 42, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.040; repealing section 5, page 320, chapter 97, Laws of 1909, section 4, chapter 163, Laws of 1955, section 29, chapter 176, Laws of 1969 ex. sess., section 43, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.050; repealing section 6, page 320, chapter 97, Laws of 1909, section 5, chapter 163, Laws of 1955, section 30, chapter 176, Laws of 1969 ex. sess., section 44, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.060; repealing section 18, chapter 176, Laws of 1969 ex. sess., section 24, chapter 282, Laws of 1971 ex. sess., section 20, chapter 75, Laws of 1974 ex. sess., section 34, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.180; repealing section 28A.44.060, chapter 223, Laws of 1969 ex. sess., section 16, chapter 48, Laws of 1971, section 34, chapter 282, Laws of 1971 ex. sess.,

section 61, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.060; repealing section 28A.44.070, chapter 223, Laws of 1969 ex. sess., section 17, chapter 48, Laws of 1971, section 35, chapter 282, Laws of 1971 ex. sess., section 62, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.070; repealing section 28A.66.060, chapter 223, Laws of 1969 ex. sess., section 46, chapter 48, Laws of 1971, section 129, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.66.060; repealing section 28A.66.100, chapter 223, Laws of 1969 ex. sess., section 47, chapter 48, Laws of 1971, section 130, chapter 275, Laws of 1975 1st ex. sess., section 32, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.66.100; repealing section 28A.67.040, chapter 223, Laws of 1969 ex. sess., section 48, chapter 48, Laws of 1971, section 131, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.67.040; repealing section 21, chapter 15, Laws of 1970 ex. sess., section 140, chapter 175, Laws of 1975 1st ex. sess. and RCW 28A.87.030; repealing section 28A.87.050, chapter 223, Laws of 1969 ex. sess., section 148, chapter 176, Laws of 1969 ex. sess., section 141, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.050; repealing section 22, chapter 15, Laws of 1970 ex. sess., section 142, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.080; repealing section 28A.87.100, chapter 223, Laws of 1969 ex. sess., section 151, chapter 176, Laws of 1969 ex. sess., section 144, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.100; repealing section 28A.87.110, chapter 223, Laws of 1969 ex. sess., section 152, chapter 176, Laws of 1969 ex. sess., section 145, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.110; and repealing section 28A.87.170, chapter 223, Laws of 1969 ex. sess., section 153, chapter 176, Laws of 1969 ex. sess., section 146, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.170.

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

Sec. 1. Section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 9, chapter 359, Laws of 1977 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 28A.58.754, each as now or hereafter amended, except that the percentages of total program hour offerings as prescribed in RCW 28A.58.754 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. 2. Section 12, chapter 282, Laws of 1971 ex. sess. as last amended by section 2, chapter 103, Laws of 1981 and RCW 28A.21.088 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) If the district board deems necessary, hold each year one or more teachers' institutes as provided for in RCW 28A.71.100, as now or hereafter amended, and one or more school directors' meetings.

(2) Cooperate with the state supervisor of special aid for handicapped children as provided in chapter 28A.13 RCW.

~~(3) ((Apportion such school funds other than state funds as otherwise authorized by law in a manner not in conflict with state or federal law or rules and regulations relating to the distribution and apportionment of such school funds:~~

~~(4)))~~ Certify statistical data as basis for apportionment purposes to county and state officials as provided in chapter 28A.44 RCW.

~~((5)))~~ (4) Perform such other duties as may be prescribed by law or rule or regulation of the state board of education and/or the superintendent of public instruction as provided in RCW 28A.03.028 and 28A.04.145.

Sec. 3. Section 9, chapter 176, Laws of 1969 ex. sess. as last amended by section 18, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21-.090 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

~~(1) ((Advise with and pass upon the recommendations of the educational service district superintendent in the preparation of rules and regulations for the circulating libraries established pursuant to RCW 27.16.010.~~

~~(2)))~~ Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter.

~~((3)))~~ (2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chairman or a majority of the board.

~~((4)))~~ (3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.21.100, as now or hereafter amended.

~~((5)))~~ (4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding.

~~((6)))~~ (5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district.

~~((7)))~~ (6) Acquire by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes: PROVIDED, That no real property shall be acquired or alienated without the prior approval of the state board of education.

~~((8)))~~ (7) Adopt such bylaws and rules and regulations for its own operation as it deems necessary or appropriate.

~~((9)))~~ (8) Enter into contracts, including contracts with common and educational service districts for the joint financing of cooperative service

programs conducted pursuant to RCW 28A.21.086(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts.

Sec. 4. Section 14, chapter 176, Laws of 1969 ex. sess. as last amended by section 31, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21-.140 are each amended to read as follows:

The superintendent of public instruction shall examine and revise the biennial budget request of each educational service district and shall fix the amount to be requested in state funds for the educational service district system from the legislature. Once funds have been appropriated by the legislature, the superintendent of public instruction shall fix the annual budget of each educational service district and shall allocate quarterly the state's portion from funds appropriated for that purpose to the county treasurer of the headquarters county of the educational service district for deposit to the credit of the educational service district general expense fund.

In each educational service district, there shall be an educational service district general expense fund into which there shall be deposited such moneys as are allocated by the superintendent of public instruction under provisions of this chapter (~~(, and such moneys as are allocated from the county current expense funds, the county institute funds, the county circulating library funds)~~) and other funds of the educational service district, and such moneys shall be expended according to the method used by first or second class school districts, whichever is deemed most feasible by the educational service district board. No vouchers for warrants other than moneys being distributed to the school districts shall be approved for expenditures not budgeted by the educational service district board.

Sec. 5. Section 28A.48.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 68, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.030 are each amended to read as follows:

Upon receiving the certificate of apportionment from the superintendent of public instruction the educational service district superintendent shall promptly apportion to the school districts of his educational service district the amounts then due and apportionable to such districts as certified by the superintendent of public instruction. (~~(The educational service district superintendent shall apportion to the school districts of his educational service district during each of the twelve months of the year the amount then available for apportionment to such districts from the educational service district current school fund:))~~)

Sec. 6. Section 28A.57.255, chapter 223, Laws of 1969 ex. sess. as last amended by section 97, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.255 are each amended to read as follows:

The registered voters residing within a joint school district shall be entitled to vote on the office of school director of their district (~~and on the office of their educational service district board member~~).

Jurisdiction of any such election shall rest with the county auditor of the county administering such joint district as provided in RCW 28A.57.250.

At each general election, or upon approval of a request for a special election as provided for in RCW 29.13.020, such county auditor shall:

- (1) See that there shall be at least one polling place in each county;
- (2) At least twenty days prior to the elections concerned, certify in writing to the superintendent of the school district the number and location of the polling places established by such auditor for such regular or special elections; and
- (3) Do all things otherwise required by law for the conduct of such election.

It is the intention of this section that the qualified electors of a joint school district shall not be forced to go to a different polling place on the same day when other elections are being held to vote for school directors of their district (~~and members of the educational service district board concerned with their school district~~).

Sec. 7. Section 28A.57.290, chapter 223, Laws of 1969 ex. sess. as last amended by section 98, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.290 are each amended to read as follows:

The amount of tax to be levied upon the taxable property of that part of a joint school district lying in one county shall be in such ratio to the whole amount levied upon the property in the entire joint district as the assessed valuation of the property lying in such county bears to the assessed valuation of the property in the entire joint district. (~~After the budget of a joint school district has been prepared in the manner provided by law, the educational service district superintendent of the educational service district to which the joint school district belongs, after deducting estimated receipts from sources other than district taxation, shall apportion to each county in which the territory of the joint district lies its proportionate share of the estimated expenditures of such joint district, which apportionment shall be made upon the same basis as is herein provided for the apportionment of tax levies. He shall then forward to the county auditor of the county to which the joint school district belongs and to the county auditor of each other county, for the board of county commissioners thereof, a certificate setting forth the sum apportioned to that county, together with copies of the certificates forwarded by him to the aforesaid officers of other counties.~~)

Sec. 8. Section 28A.58.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 30, chapter 80, Laws of 1977 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 persons with handicapping conditions between the ages of 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))~~) (8) Carry out all orders of the board of directors made at any regular or special meeting.

Sec. 9. Section 28A.59.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 118, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.59.150 are each amended to read as follows:

All accounts shall be audited by a committee of board members chosen in such manner as the board so determines to be styled the "auditing committee," and, except as otherwise provided by law, no expenditure greater than three hundred dollars shall be voted by the board except in accordance with a written contract, nor shall any money or appropriation be paid out of the school fund except on a recorded affirmative vote of a majority of all members of the board: PROVIDED, That nothing herein shall be construed to prevent the board from making any repairs or improvements to the property of the district through their shop and repair department as otherwise provided in RCW 28A.58.135(~~(; and the accounts and the records of said board shall at all times be subject to the inspection and examination of the educational service district superintendent, whose duty it shall be, annually, to examine said records and check said accounts, and report in writing to the proper board of county commissioners the nature and state of said accounts, and any facts that may be required concerning said records)~~).

Sec. 10. Section 1, chapter 111, Laws of 1973 as amended by section 21, chapter 43, Laws of 1975 and RCW 28A.60.328 are each amended to read as follows:

Second class school districts, subject to the approval of the superintendent of public instruction, may draw and issue warrants for the payment of moneys upon approval of a majority of the board of directors, such warrants to be signed by the chairman of the board and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the chairman of the board personally imposes too great a task on the chairman, the board of directors, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the chairman of the board, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants.

~~((Accounts and the records of second class school districts drawing and issuing warrants as provided in this section shall at all times be subject to the inspection and examination of the educational service district superintendent, whose duty it shall be, annually, to examine said records and check~~



~~said accounts, and report in writing to the proper board of county commissioners the nature and state of said accounts, and any facts that may be required concerning said records:))~~

Sec. 11. Section 16, chapter 15, Laws of 1970 ex. sess. as last amended by section 4, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A-.67.070 are each amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate or other certificate required by law or the state board of education for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law, limited to a term of not more than one year. Every such contract shall be made in ~~((triplicate))~~ duplicate, one copy to be retained by the school district superintendent or secretary ~~((one copy to be retained, after having been approved and registered, by the educational service district superintendent,))~~ and one copy to be delivered to the employee ~~((thereafter))~~. No contract shall be offered by any board ~~((nor approved and registered by the educational service district superintendent))~~ for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the 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. Every such employee so notified, at his or her request made in writing and filed with the president, chairman or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.58.455 to determine whether there is sufficient cause or causes for nonrenewal of contract. If any such notification or opportunity for hearing is not timely given,

the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

This section shall not be applicable to "provisional employees" as so designated in RCW 28A.67.072; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.67.073 shall not be construed as a nonrenewal of contract for the purposes of this section.

Sec. 12. Section 28A.70.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A.70.130 are each amended to read as follows:

All certificates issued by the superintendent of public instruction shall be valid and entitle the holder thereof to employment in any school district of the state upon being registered by the school district (~~(, or the educational service district,)~~) if designated to do so by the school district, which fact shall be evidenced on the certificate in the words, "Registered for use in . . . . . district," together with the date of registry, and an official signature of the person registering the same: PROVIDED, That a copy of the original certificate duly certified by the superintendent of public instruction may be used for the purpose of registry and endorsement in lieu of the original.

Sec. 13. Section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A.70.140 are each amended to read as follows:

Before registering any certificate, the school district (~~((or educational service district, as the case may be,))~~) in which application is made shall be satisfied that the applicant is a person of good moral character, personal fitness, and has not been convicted of any crimes involving the physical neglect of children, physical injury of children (excepting possible motor vehicle violations), or sexual abuse of children. In the event of a refusal to register a certificate for whatsoever reason, the school district superintendent (~~((or educational service district superintendent, as the case may be,))~~) shall immediately notify the superintendent of public instruction of the action and shall fully and clearly state the reasons therefor, and the person aggrieved shall have the right of appeal to the superintendent of public instruction, and shall have the further right of appeal to the state board of education.

Sec. 14. Section 1, chapter 16, Laws of 1975-'76 2nd ex. sess. and RCW 41.32.420 are each amended to read as follows:

On or before a date specified by the board of trustees in each month every employer shall file a report with the board of trustees of the retirement system on a form provided, stating the name of the employer and with respect to each employee who is a member or who is required to become a

member of the retirement system: (1) The full name, (2) the earnable compensation paid, (3) the employee's contribution to the retirement system, and (4) such other information as the board shall require, and at the same time notify each new employee in writing with reference to the Washington state teachers' retirement system and that an application for prior service credit may be filed with the board of trustees thereof on a form furnished by the board. (~~The educational service district superintendent shall perform the duties imposed by this section for the employers in second class school districts and the city superintendents for the employers in first class school districts. The chief executive officers of other institutions shall perform such duties:)~~)

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

(1) Section 27, chapter 104, Laws of 1903, section 1, page 320, chapter 97, Laws of 1909, section 1, chapter 163, Laws of 1955, section 25, chapter 176, Laws of 1969 ex. sess., section 39, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.010;

(2) Section 28, chapter 104, Laws of 1903, section 2, page 320, chapter 97, Laws of 1909, section 2, chapter 163, Laws of 1955, section 26, chapter 176, Laws of 1969 ex. sess., section 8, chapter 195, Laws of 1973 1st ex. sess., section 40, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.020;

(3) Section 3, page 320, chapter 97, Laws of 1909, section 27, chapter 176, Laws of 1969 ex. sess., section 41, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.030;

(4) Section 4, page 320, chapter 97, Laws of 1909, section 3, chapter 163, Laws of 1955, section 28, chapter 176, Laws of 1969 ex. sess., section 42, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.040;

(5) Section 5, page 320, chapter 97, Laws of 1909, section 4, chapter 163, Laws of 1955, section 29, chapter 176, Laws of 1969 ex. sess., section 43, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.050; and

(6) Section 6, page 320, chapter 97, Laws of 1909, section 5, chapter 163, Laws of 1955, section 30, chapter 176, Laws of 1969 ex. sess., section 44, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.060.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) Section 18, chapter 176, Laws of 1969 ex. sess., section 24, chapter 282, Laws of 1971 ex. sess., section 20, chapter 75, Laws of 1974 ex. sess., section 34, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.180;

(2) Section 28A.44.060, chapter 223, Laws of 1969 ex. sess., section 16, chapter 48, Laws of 1971, section 34, chapter 282, Laws of 1971 ex. sess., section 61, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.060;

(3) Section 28A.44.070, chapter 223, Laws of 1969 ex. sess., section 17, chapter 48, Laws of 1971, section 35, chapter 282, Laws of 1971 ex. sess., section 62, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.070;

(4) Section 28A.66.060, chapter 223, Laws of 1969 ex. sess., section 46, chapter 48, Laws of 1971, section 129, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.66.060; and

(5) Section 28A.66.100, chapter 223, Laws of 1969 ex. sess., section 47, chapter 48, Laws of 1971, section 130, chapter 275, Laws of 1975 1st ex. sess., section 32, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.66.100.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) Section 28A.67.040, chapter 223, Laws of 1969 ex. sess., section 48, chapter 48, Laws of 1971, section 131, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.67.040;

(2) Section 21, chapter 15, Laws of 1970 ex. sess., section 140, chapter 175, Laws of 1975 1st ex. sess. and RCW 28A.87.030;

(3) Section 28A.87.050, chapter 223, Laws of 1969 ex. sess., section 148, chapter 176, Laws of 1969 ex. sess., section 141, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.050;

(4) Section 22, chapter 15, Laws of 1970 ex. sess., section 142, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.080;

(5) Section 28A.87.100, chapter 223, Laws of 1969 ex. sess., section 151, chapter 176, Laws of 1969 ex. sess., section 144, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.100;

(6) Section 28A.87.110, chapter 223, Laws of 1969 ex. sess., section 152, chapter 176, Laws of 1969 ex. sess., section 145, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.110; and

(7) Section 28A.87.170, chapter 223, Laws of 1969 ex. sess., section 153, chapter 176, Laws of 1969 ex. sess., section 146, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.170.

NEW SECTION. Sec. 18. 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, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 21, 1983.

Filed in Office of Secretary of State April 21, 1983.

## CHAPTER 57

[House Bill No. 111]

## SEWER DISTRICTS—WATER DISTRICTS—TREASURER DESIGNATION

AN ACT Relating to treasurers of water and sewer districts; amending section 46, chapter 210, Laws of 1941 as last amended by section 7, chapter 272, Laws of 1971 ex. sess. and RCW 56.16.140; amending section 23, chapter 114, Laws of 1929 as amended by section 14, chapter 108, Laws of 1959 and RCW 57.20.140; adding a new section to chapter 56.16 RCW; and adding a new section to chapter 57.20 RCW.

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

Sec. 1. Section 46, chapter 210, Laws of 1941 as last amended by section 7, chapter 272, Laws of 1971 ex. sess. and RCW 56.16.140 are each amended to read as follows:

Unless the board of commissioners of a sewer district designates a treasurer under section 2 of this 1983 act, the county treasurer of the county in which the district is located or the county in which fifty-one percent or more of the area of the district is located shall create and maintain a separate fund designated as the maintenance fund or general fund of the sewer district into which shall be paid all money received by him from the collection of taxes levied by such district other than taxes levied for the payment of general obligation bonds thereof, and into which shall be paid all revenues of the district other than assessments levied in utility local improvement districts, and no money shall be disbursed therefrom except upon warrants of the county auditor issued by authority of the commissioners or upon a resolution of the commissioners ordering a transfer to any other fund of the district. The county treasurer of each county in which the district or a portion thereof is located shall also maintain such other special funds as may be prescribed by the sewer district, into which shall be placed such moneys as the board of sewer commissioners may by its resolution direct, and from which disbursements shall be made upon proper warrants of the county auditor issued against the same by authority of the board of sewer commissioners.

NEW SECTION. Sec. 2. There is added to chapter 56.16 RCW a new section to read as follows:

Upon obtaining the approval of the county treasurer, the board of commissioners of a sewer district with more than twenty-five hundred customers may designate by resolution some other person having experience in financial or fiscal matters as the treasurer of the district. Such a treasurer shall possess all of the powers, responsibilities, and duties that the county treasurer and auditor possess for a sewer district related to creating and maintaining funds, issuing warrants, and investing surplus district funds. Such treasurer shall be bonded for not less than twenty-five thousand dollars.

Approval by the county treasurer authorizing such a sewer district to designate its treasurer shall not be arbitrarily or capriciously withheld.

Sec. 3. Section 23, chapter 114, Laws of 1929 as amended by section 14, chapter 108, Laws of 1959 and RCW 57.20.140 are each amended to read as follows:

Unless the board of commissioners of a water district designates a treasurer under section 4 of this 1983 act, the county treasurer shall create and maintain a separate fund designated as the maintenance fund or general fund of the district into which shall be paid all money received by him from the collection of taxes other than taxes levied for the payment of general obligation bonds of the district and all revenues of the district other than assessments levied in local improvement districts or utility local improvement districts, and no money shall be disbursed therefrom except upon warrants of the county auditor issued by authority of the commissioners or upon a resolution of the commissioners ordering a transfer to any other fund of the district. The county treasurer shall also maintain such other special funds as may be prescribed by the water district, into which shall be placed such moneys as the board of water commissioners may by its resolution direct, and from which disbursements shall be made upon proper warrants of the county auditor issued against the same by authority of the board of water commissioners.

NEW SECTION. Sec. 4. There is added to chapter 57.20 RCW a new section to read as follows:

Upon obtaining the approval of the county treasurer, the board of commissioners of a water district with more than twenty-five hundred customers may designate by resolution some other person having experience in financial or fiscal matters as the treasurer of the district. Such a treasurer shall possess all of the powers, responsibilities, and duties that the county treasurer and auditor possess for a water district related to creating and maintaining funds, issuing warrants, and investing surplus district funds. Such treasurer shall be bonded for not less than twenty-five thousand dollars. Approval by the county treasurer authorizing such a water district to designate its treasurer shall not be arbitrarily or capriciously withheld.

Passed the House April 11, 1983.

Passed the Senate April 5, 1983.

Approved by the Governor April 21, 1983.

Filed in Office of Secretary of State April 21, 1983.

## CHAPTER 58

[House Bill No. 136]

## UNFAIR LABOR PRACTICES—COMPLAINT FILING PERIOD

AN ACT Relating to unfair labor practice procedures; amending section 3, chapter 215, Laws of 1969 ex. sess. as amended by section 24, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.160; amending section 4, chapter 215, Laws of 1969 ex. sess. as amended by section 25, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.170; and amending section 16, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.150.

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

Sec. 1. Section 3, chapter 215, Laws of 1969 ex. sess. as amended by section 24, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.160 are each amended to read as follows:

The commission is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders; PROVIDED, That a complaint shall not be processed for any unfair labor practice occurring more than six months before the filing of the complaint with the commission. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

Sec. 2. Section 4, chapter 215, Laws of 1969 ex. sess. as amended by section 25, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.170 are each amended to read as follows:

Whenever a ~~((charge has been made))~~ complaint is filed concerning any unfair labor practice, the commission shall have power to issue and cause to be served a ~~((complaint stating the charges in that respect, and containing a))~~ notice of hearing before the commission at a place therein fixed to be held not less than seven days after the serving of said complaint. Any such complaint may be amended by the commission any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint ~~((within five days after the service of such original or amended complaint))~~ and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the commission, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the commission shall not be bound by technical rules of evidence prevailing in the courts of law or equity.

Sec. 3. Section 16, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.150 are each amended to read as follows:

(1) The commission is empowered to prevent any person from engaging in any unfair labor practice as defined in RCW 41.59.140; PROVIDED, That a complaint shall not be processed for any unfair labor practice occurring more than six months before the filing of the complaint with the

commission. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, equity or otherwise.

(2) If the commission determines that any person has engaged in or is engaging in any such unfair labor practices as defined in RCW 41.59.140, then the commission shall issue and cause to be served upon such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action as will effectuate the purposes and policy of this chapter, such as the payment of damages and/or the reinstatement of employees.

(3) The commission may petition the superior court for the county in which the main office of the employer is located or wherein the person who has engaged or is engaging in such unfair labor practice resides or transacts business, for the enforcement of its order and for appropriate temporary relief.

Passed the House February 24, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 21, 1983.

Filed in Office of Secretary of State April 21, 1983.

## CHAPTER 59

[Substitute House Bill No. 148]

### SCHOOL DISTRICTS—BUDGET AND ACCOUNTING METHODS

AN ACT Relating to school district budgets and funds; amending section 1, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.400; amending section 2, chapter 118, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 18, Laws of 1980 and RCW 28A.65.405; amending section 5, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.420; amending section 6, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.425; amending section 8, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.435; amending section 9, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.440; amending section 10, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.445; amending section 11, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.450; amending section 13, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.460; amending section 14, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.465; amending section 17, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.480; amending section 18, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.485; amending section 2, chapter 250, Laws of 1981 as amended by section 6, chapter 191, Laws of 1982 and RCW 28A.58.441; amending section 2, chapter 243, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 250, Laws of 1981 and RCW 28A.58.0461; amending section 4, chapter 115, Laws of 1980 as last amended by section 4, chapter 191, Laws of 1982 and RCW 28A.58.035; amending section 28A.59.185, chapter 223, Laws of 1969 ex. sess. as amended by section 12, chapter 191, Laws of 1982 and RCW 28A.59.185; amending section 3, chapter 256, Laws of 1979 ex. sess. and RCW 48.62.030; creating a new section; repealing section 20, chapter 118, Laws of 1975-'76 2nd ex. sess., section 1, chapter 124, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.495; and providing an effective date.

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



Sec. 1. Section 1, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.400 are each amended to read as follows:

The following terms when used in this chapter shall have the following meanings, unless where used the context thereof shall clearly indicate to the contrary:

(1) ~~"Revenue" means ((additions of assets during a given fiscal period to a fund of a school district in the form of cash which does not accompany the incurrance of liabilities or represent refunds of previous disbursements))~~ an addition to assets of a fund of a school district during a fiscal period that is available to finance the fund's expenditures during the fiscal period. Revenue does not accompany the increase of liabilities or represent refunds of previous disbursements. Revenue may be in the form of cash or in the form of noncash assets such as donated commodities. Revenue for accrual basis expenditure funds is limited to amounts received in cash or noncash donations plus or minus adjustments for revenue accruals.

(2) ~~"Accrual basis expenditures" mean ((costs))~~ expenditures incurred during a given fiscal period ((for liabilities incurred)), whether paid or unpaid.

(3) ~~"Cash basis expenditures" mean actual disbursements during a given fiscal period ((for operating costs, capital outlay, and))~~ except for debt service, regardless of when liabilities are incurred, or the period of incurrance of ((cost)) expenditures.

(4) "Cash basis revenue" means actual receipt of revenue not adjusted for revenue accruals.

(5) "Revenue accruals" means those revenues anticipated to be received in cash after the close of the fiscal period that represent reimbursement for expenditures incurred by the end of the fiscal period.

(6) "Appropriation" means the maximum authorization during a given fiscal period to incur expenditures.

~~((5))~~ (7) "Disbursements" mean payments in cash, including but not limited to ((payments by)) issuance of warrants.

Sec. 2. Section 2, chapter 118, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 18, Laws of 1980 and RCW 28A.65.405 are each amended to read as follows:

All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting and financial reporting:

(1) Recognize revenue as defined in RCW 28A.65.400(1) for all funds; PROVIDED, That school districts that elect the cash basis of expenditure recognition under subsection (2) of this section shall recognize revenue on the cash basis.

(2) ~~((Utilize the accrual basis for the recognition of expenditures in determining operating costs from the general fund. PROVIDED, That school districts with less than one thousand full time equivalent students for the previous year may utilize the cash basis for the recognition of expenditures~~

~~in determining operating costs from the general fund: PROVIDED FURTHER, That in school districts with less than one thousand full time equivalent students a list of accounts payable shall be prepared, as at the end of the fiscal year, subject to the penalties of perjury, a copy of which will accompany the districts' annual report and a copy of which will be filed with the districts' board of directors:~~

~~(3) Utilize the accrual basis for the recognition of expenditures in determining the costs of site acquisitions and the construction of buildings from the building fund: PROVIDED, That school districts with less than one thousand full time equivalent students for the previous year may utilize the cash basis for recognition of expenditures in determining the costs of site acquisitions and the construction of buildings from the building fund:~~

~~(4) Utilize the accrual basis for the recognition of expenditures in determining costs for bond interest and redemption funds, refunding bond funds and refunded bond funds based upon when bond interest and bond redemptions become due: PROVIDED, That school districts with an average of less than one thousand full time equivalent students during the previous school year may utilize the cash basis for recognition of expenditures in determining the costs of bond fund interest and redemptions, refunding bonds and refunded bonds from the bond interest and redemption funds, refunding bond funds and refunded bond funds:~~

~~(5) Utilize the accrual basis for the recognition of expenditures in determining costs for permanent insurance funds:~~

~~(6) Utilize the accrual basis of expenditure recognition for the associated student body program fund: PROVIDED, That school districts with less than one thousand full time equivalent students for the previous fiscal year may utilize the cash basis for recognition of expenditures in determining operating costs of the associated student body program fund)) Recognition of expenditures for all funds shall be on the accrual basis: PROVIDED, That school districts with under one thousand full time equivalent students for the preceding fiscal year may make a uniform election for all funds, except debt service funds, to be on the cash basis of expenditure recognition. Notification of such election shall be given to the state superintendent of public instruction in the budget of the school district and shall remain in effect for one full fiscal year.~~

Sec. 3. Section 5, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.420 are each amended to read as follows:

Upon completion of their budgets as provided in RCW 28A.65.415, every school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said

meeting which shall occur no later than the thirty-first day of August for first class school districts, and the first day of August for second class school districts. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.

The district shall provide a sufficient number of copies of the budget to meet the reasonable demands of the public not later than July 20th in the first class school districts, and not later than July 15th in second class school districts. ~~((Second class))~~ School districts shall submit one copy of their budget to their educational service districts for review and comment ~~((no later than July 15th))~~ by these dates.

Sec. 4. Section 6, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.425 are each amended to read as follows:

On the date given in said notice as provided in RCW 28A.65.420 the school district board of directors shall meet at the time and place designated. Any person may appear thereat and be heard for or against any part of such budget. Such hearing may be continued not to exceed a total of two days: PROVIDED, That the budget must be adopted no later than August 31st in first class school districts, and not later than August 1st in second class school districts.

Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board: PROVIDED, That first class school districts shall file ~~((four))~~ copies of their adopted budget with their educational service district no later than September 3rd, and second class school districts shall forward ~~((five))~~ copies of their adopted budget to their educational service district no later than August 3rd for review, alteration and approval as provided for in RCW 28A.65.430 by the budget review committee.

Sec. 5. Section 8, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.435 are each amended to read as follows:

Copies of the budgets for all local school districts shall be filed with the superintendent of public instruction ~~((;))~~ and the appropriate county auditor(s) ~~((, and the office of the state auditor;))~~ no later than September 10th. One copy will be retained by the educational service district.

Sec. 6. Section 9, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.440 are each amended to read as follows:

Every school district budget shall be prepared, submitted and adopted ~~((on forms provided))~~ in the format prescribed by the office of the superintendent of public instruction. The budget classifications contained in said format shall be in accordance with the accounting manual for public school districts, published by the office of the superintendent of public instruction and the office of the state auditor. Budgets ~~((on forms))~~ prepared and adopted in a format other than ~~((those provided))~~ that prescribed by the office of the superintendent of public instruction shall not be official and will have no legal effect.

Sec. 7. Section 10, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.445 are each amended to read as follows:

The ~~((revenue section of every school district))~~ budget shall set forth the estimated revenues for the ensuing fiscal year, the estimated revenues for the fiscal year current at the time of budget preparation, the actual revenues for the last completed fiscal year, and the ~~((probable net cash balance and investments available for ensuing fiscal year disbursements at the close of the said current fiscal year))~~ reserved and unreserved fund balances for each year. The estimated revenues from all sources for the ~~((ensuring))~~ ensuing fiscal year shall not include any revenue not anticipated to be ~~((received in cash))~~ available during that fiscal year: PROVIDED, That school districts, pursuant to RCW 28A.65.450 can be granted permission by the superintendent of public instruction to include as revenues in their budgets, receivables collectible in future fiscal years.

~~((The expenditure section of))~~ The budget shall set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the estimated expenditures for the fiscal year current at the time of budget preparation, and the actual expenditures for the last completed fiscal year. ~~((Each salary shall be set forth separately, together with the title or position of the recipient: PROVIDED, That salaries may be set out in total amounts under each budget class if a detailed schedule(s) of such salaries and positions be attached to the budget and made a part thereof.))~~ Total salary amounts, full-time equivalents, and the high, low, and average annual salaries, shall be displayed by job classification within each budget classification. If individual salaries within each job classification are not displayed, districts shall provide the individual salaries together with the title or position of the recipient and the total amounts of salary under each budget class upon request. Salary schedules shall be displayed. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict ~~((ending net cash))~~ fund balance for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of ~~((ending cash))~~ fund balance.

Sec. 8. Section 11, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.450 are each amended to read as follows:

When a school district board is unable to prepare a budget or budget extension pursuant to RCW 28A.65.480 or 28A.65.485 in which the estimated revenues for the ~~((ensuing))~~ budgeted fiscal year plus the estimated ~~((cash and investments on hand))~~ fund balance at the ~~((close))~~ beginning of the ~~((current))~~ budgeted fiscal year less the ending reserved fund balance for the budgeted fiscal year do not at least equal the estimated ~~((disbursements))~~ expenditures for the ~~((ensuing))~~ budgeted fiscal year, the school district board ~~((shall))~~ may deliver a petition in writing, ((on or before the tenth day of July,)) at least twenty days before the budget or budget extension is scheduled for adoption, to the superintendent of public instruction ~~((for))~~ requesting permission to include receivables collectible in future years, in order to balance the ~~((ensuing fiscal year's))~~ budget. If such permission is granted, it shall be in writing, and it shall contain conditions, binding on the district, designed to improve the district's financial condition. Any budget or appropriation adopted by the board of directors without written permission from the superintendent of public instruction that contains estimated ~~((disbursements))~~ expenditures in excess of the total of estimated revenue for the ~~((current))~~ budgeted fiscal year plus ~~((net cash balance and investments))~~ estimated fund balance at the ~~((close))~~ beginning of the ~~((last completed))~~ budgeted fiscal year less ending reserve fund balance for the budgeted fiscal year shall be null and void and shall not be considered an appropriation.

Sec. 9. Section 13, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.460 are each amended to read as follows:

For each fund contained in the school district budget the estimated ~~((disbursements))~~ expenditures for the ~~((ensuing))~~ budgeted fiscal year must not be greater than the total of the estimated revenues for the ~~((ensuing))~~ budgeted fiscal year, the ~~((probable net cash balance and investments))~~ estimated fund balance at the ~~((close))~~ beginning of the ~~((current))~~ budgeted fiscal year less the estimated reserve fund balance at the end of the budgeted fiscal year, and the projected revenue from receivables collectible on future years as approved by the superintendent of public instruction for inclusion in the budget.

~~((The budget shall be considered a balanced budget if the above requirement is met. PROVIDED, That in the general fund, revenue, plus beginning net cash and investments, must exceed cash disbursements by an amount equal to or greater than the mandated cash reserved for transportation equipment as required by RCW 28A.41.160.))~~

The proceeds of any interfund loan must not be used to balance the budget of the borrowing fund.

Sec. 10. Section 14, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.465 are each amended to read as follows:

(1) Notwithstanding any other provision of law, the superintendent of public instruction is hereby directed to promulgate such rules and regulations as will insure proper budgetary procedures and practices, including monthly financial statements consistent with the provisions of RCW 43.09.200, and this chapter.

(2) If the superintendent of public instruction determines upon a review of the budget of any district that said budget does not comply with the budget procedures established by this chapter or by rules and regulations promulgated by the superintendent of public instruction, or the provisions of RCW 43.09.200, he shall give written notice of this determination to the board of directors of the local school district. ~~((The superintendent of public instruction shall then call a meeting with the educational service district, the local board of directors, and the chief administrative officer of the district to review said budget. Upon the conclusion of said meeting the superintendent of public instruction shall issue findings and direct that a financially sound budget be developed by the district for operation.))~~

(3) The local school district, notwithstanding any other provision of law, shall, within thirty days from the date the superintendent of public instruction issues a ~~((directive))~~ notice pursuant to subsection (2) of this section, submit a revised budget which meets the requirements of RCW 43.09.200, this chapter, and the rules and regulations of the superintendent of public instruction: PROVIDED, That if the district fails or refuses to submit a revised budget which in the determination of the superintendent of public instruction meets the requirements of RCW 43.09.200, this chapter, and the rules and regulations of the superintendent of public instruction, the matter shall be submitted to the state board of education, which board shall meet and adopt a financial plan which shall be in effect until a budget can be adopted and submitted by the district in compliance with this section.

Sec. 11. Section 17, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.480 are each amended to read as follows:

(1) Notwithstanding any other provision of this chapter, upon the happening of any emergency in first class school districts caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

(2) Notwithstanding any other provision of this chapter, if in first class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated in subsection (1) of this section, the school district board of directors, before

incurring expenditures in excess of (~~expenditures therefor~~) the appropriation, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in RCW 28A.65.420. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

~~((All adopted appropriation resolutions shall be filed with the office of superintendent of public instruction, the office of the state auditor, the educational service district and the appropriate county auditor(s:))~~ Copies of all adopted appropriation resolutions shall be filed with the educational service district who shall forward one copy each to the office of the superintendent of public instruction and the appropriate county auditor. One copy shall be retained by the educational service district.

Sec. 12. Section 18, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.485 are each amended to read as follows:

Notwithstanding any other provision of this chapter, if a second class school district needs to increase the amount of the appropriation from any fund for any reason, the school district board of directors, before incurring expenditures in excess of appropriation, shall adopt a resolution stating the facts and estimating the amount of additional appropriation needed.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by RCW 28A.65.420. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations in the manner prescribed in rules and regulations for such approval by the superintendent.

Copies of all appropriation resolutions approved by the superintendent of public instruction shall be filed by the office of the superintendent of public instruction with the educational service district~~((, the office of the state auditor,))~~ and the appropriate county auditor(s).

Sec. 13. Section 2, chapter 250, Laws of 1981 as amended by section 6, chapter 191, Laws of 1982 and RCW 28A.58.441 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(2) (~~A building reserve fund shall be established.~~) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.41.143, and earnings from capital projects fund investments as authorized by RCW 28A.58.435 and 28A.58.440.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.51.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the (~~(building reserve)~~) capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.58.035, and proceeds from the sale of real property as authorized by RCW 28A.58.0461.

Money legally deposited into the (~~(building reserve)~~) capital projects fund from other sources may be used for the purposes described in RCW 28A.51.010, and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical. Major renovation and replacement shall include, but shall not be limited to, roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.



~~((b))~~ (d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

~~((c))~~ (e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with ~~((building reserve))~~ capital projects fund money.

~~((d))~~ Transfer to the building and capital projects fund:

(3) A building and capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the building and capital projects fund so established. Money to be deposited into the building and capital projects fund shall include but not be limited to bond proceeds, proceeds from excess levies authorized by RCW 84.52-.053, state apportionment proceeds as authorized by RCW 28A.41.143, earnings from building fund investments as authorized by RCW 28A.58.435 and 28A.58.440, and transfers from the building reserve fund.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.51-.010, except that accrued interest paid for bonds shall be deposited in the bond interest and redemption fund.

Money legally deposited into the building and capital projects fund from other sources may be used for the purposes described in RCW 28A.51.010, and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical and the substantial replacement of equipment and furniture in a structure or portion of a structure being converted from one use to another use, and no other appropriate and usable equipment or furniture is available within the district's inventory. Major renovation and replacement shall include but shall not be limited to roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property:))

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW.

(4) An associated student body fund as authorized by RCW 28A.58.120.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

Sec. 14. Section 2, chapter 243, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 250, Laws of 1981 and RCW 28A.58.0461 are each amended to read as follows:

The proceeds from any sale of school district real property by a board of directors shall be deposited to the ~~((bond interest and redemption))~~ debt service fund and/or the ~~((building reserve))~~ capital projects fund, except for amounts required to be expended for the costs associated with the sale of

such property, which moneys may be deposited into the fund from which the expenditure was incurred.

Sec. 15. Section 4, chapter 115, Laws of 1980 as last amended by section 4, chapter 191, Laws of 1982 and RCW 28A.58.035 are each amended to read as follows:

Each school district's board of directors shall deposit moneys derived from the lease, rental or occasional use of surplus school property as follows:

(1) Moneys derived from real property shall be deposited into the district's ~~((building reserve))~~ capital projects fund except for moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which moneys shall be deposited in the district's general fund;

(2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;

(3) Moneys derived from other personal property shall be deposited in the district's general fund.

Sec. 16. Section 28A.59.185, chapter 223, Laws of 1969 ex. sess. as amended by section 12, chapter 191, Laws of 1982 and RCW 28A.59.185 are each amended to read as follows:

School districts of the first class, when in the judgment of the board of directors it be deemed expedient, shall have power to create and maintain ~~((a permanent))~~ an insurance ~~((fund))~~ reserve for said districts, to be used to meet losses specified by the board of directors of the school districts.

Funds required for maintenance of such ~~((a permanent))~~ an insurance ~~((fund))~~ reserve shall be budgeted and allowed as are other ~~((funds))~~ moneys required for the support of the school district.

~~((The county treasurer or other custodian of such fund, when authorized to do so by the board of directors of any school district, may invest any accumulated moneys in such permanent insurance fund in like manner as for the investment or reinvestment of other school funds as provided in RCW 28A.58.440.))~~

Sec. 17. Section 3, chapter 256, Laws of 1979 ex. sess. and RCW 48.62.030 are each amended to read as follows:

The governing body of any local governmental entity may, as an alternative or in addition to the establishment of a self-insurance ~~((fund))~~ reserve or the purchasing of insurance, contract for or hire personnel to provide risk management services. ~~((Funds))~~ Moneys made available and ~~((funds))~~ moneys expended by school districts and educational service districts for the purpose of implementing any provision of RCW 48.62.010 through 48.62.120 or RCW 36.16.138 shall be subject to such rules of the superintendent of public instruction as the superintendent may adopt governing the budgeting and accounting of such ~~((funds))~~ reserves.

NEW SECTION. Sec. 18. Section 20, chapter 118, Laws of 1975-'76 2nd ex. sess., section 1, chapter 124, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.495 are each hereby repealed.

NEW SECTION. Sec. 19. This act shall apply to school district budgets, financial statements, and bookkeeping and accounting procedures, practices, and principles beginning with fiscal year 1983-'84 starting September 1, 1983. This act shall take effect September 1, 1983.

NEW SECTION. Sec. 20. 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 10, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 21, 1983.

Filed in Office of Secretary of State April 21, 1983.

## CHAPTER 60

[Substitute House Bill No. 187]

### HANDICAPPED—PLACEMENT ALTERNATIVES

AN ACT Relating to state services and programs for the handicapped; amending section 2, chapter 246, Laws of 1975 1st ex. sess. as amended by section 57, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.125; amending section 11, chapter 246, Laws of 1975 1st ex. sess. as amended by section 59, chapter 80, Laws of 1977 ex. sess. and RCW 72.33-.165; and declaring an emergency.

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

Sec. 1. Section 2, chapter 246, Laws of 1975 1st ex. sess. as amended by section 57, chapter 80, Laws of 1977 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 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 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 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 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 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 handicapped as herein defined.

(3) After determination of eligibility because of 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.

(4) The secretary shall annually advise the persons specified in subsection (1) (a) or (b) of this section that they may, by application, propose program and placement alternatives for care, treatment, hospitalization, support, training, or rehabilitation of the handicapped person.

(5) Upon receipt of an application for alternative care, the secretary shall consult with the applicant and within ninety days of the application determine whether the following criteria are met:

(a) That the alternative plan proposes a less dependent program than the current services provide;

(b) That the alternative plan is appropriate under the goals and objectives of the individual program plan;

(c) That the alternative plan is not in violation of applicable state and federal law; and

(d) That necessary services can reasonably be made available.

(6) If the alternative plan meets all the criteria of subsection (5) of this section, it shall be implemented as soon as reasonable, but not later than one hundred twenty days after completion of the determination process, unless the secretary determines that the alternative plan is more costly than the current plan.

(7) One year after the effective date of this 1983 act, the secretary shall forward to the appropriate legislative committees of the senate and house of representatives a report that includes a description of each application that was denied and the basis for denial.

(8) Within thirty days of the effective date of this 1983 act, the secretary shall submit to the appropriate legislative committees explicit criteria for determining whether an alternative plan is more costly than a current plan as required by subsection (6) of this section.

Sec. 2. Section 11, chapter 246, Laws of 1975 1st ex. sess. as amended by section 59, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.165 are each amended to read as follows:

(1) 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 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.

(2) If a developmentally disabled person is the parent of a child who is about to be placed for adoption or foster care by the department, the parent shall be eligible to receive services under this section in order to promote the integrity of the family unit.

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 22, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 21, 1983.

Filed in Office of Secretary of State April 21, 1983.

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## CHAPTER 61

[Substitute House Bill No. 189]

### METROPOLITAN PARK DISTRICTS—BONDS, WARRANTS, SHORT-TERM OBLIGATIONS

AN ACT Relating to the issuance and sale of bonds by metropolitan park districts; amending section 35.61.100, chapter 7, Laws of 1965 as amended by section 14, chapter 42, Laws of 1970 ex. sess. and RCW 35.61.100; and amending section 35.61.160, chapter 7, Laws of 1965 and RCW 35.61.160.

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

Sec. 1. Section 35.61.100, chapter 7, Laws of 1965 as amended by section 14, chapter 42, Laws of 1970 ex. sess. and RCW 35.61.100 are each amended to read as follows:

Every metropolitan park district through its board of commissioners may contract indebtedness and evidence such indebtedness by the issuance and sale of warrants, short-term obligations as provided by chapter 39.50 RCW, or general obligation bonds, for park, boulevard, aviation landings,

playgrounds, and parkway purposes, and the extension and maintenance thereof, not exceeding, together with all other outstanding nonvoter approved general indebtedness, three-fortieths of one percent of the value of the taxable property in such metropolitan park district, as the term "value of the taxable property" is defined in RCW 39.36.015.

Sec. 2. Section 35.61.160, chapter 7, Laws of 1965 and RCW 35.61.160 are each amended to read as follows:

~~((If incurring the indebtedness and issuing bonds therefor has been approved by the people;))~~ The commissioners of such metropolitan park district may issue ((the)) and sell negotiable bonds of such district ((for the amount of such indebtedness and may dispose of said bonds either in payment of such indebtedness, or may advertise and sell said bonds in the open market for cash, but in no event shall said bonds be disposed of or negotiated at less than par)) under chapter 39.44 RCW.

Passed the House March 15, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 21, 1983.

Filed in Office of Secretary of State April 21, 1983.

## CHAPTER 62

[Substitute House Bill No. 366]

### ENERGY CONSERVATION FINANCING

AN ACT Relating to financing energy conservation measures; amending section 1, chapter 239, Laws of 1979 ex. sess. and RCW 35.92.355; amending section 2, chapter 239, Laws of 1979 ex. sess. and RCW 35.92.360; amending section 3, chapter 239, Laws of 1979 ex. sess. and RCW 54.16.280; and providing an expiration date.

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

Sec. 1. Section 1, chapter 239, Laws of 1979 ex. sess. and RCW 35.92.355 are each amended to read as follows:

The conservation of energy in all forms and by every possible means is ~~((found and declared to be))~~ a public purpose of highest priority. The legislature further finds ~~((and declares))~~ that all municipal corporations, quasi municipal corporations, and other political subdivisions of the state which are engaged in the ~~((generation;))~~ sale~~((;))~~ or distribution of energy should be granted the authority to develop and carry out programs which will conserve resources, reduce waste, and encourage more efficient use of energy by ~~((consumers))~~ individuals, associations, companies, or corporations.

In order to establish the most effective state-wide program for energy conservation, the legislature ~~((hereby))~~ encourages any company, corporation, or association engaged in selling or furnishing utility services to assist ~~((their))~~ its customers in the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy.

Sec. 2. Section 2, chapter 239, Laws of 1979 ex. sess. and RCW 35.92-.360 are each amended to read as follows:

Any city or town engaged in the ~~((generation;))~~ sale~~((;))~~ or distribution of energy is ~~((hereby))~~ authorized, within limits established by the Constitution of the state of Washington, to assist ~~((the owners of residential structures))~~ individuals, associations, companies, or corporations in financing the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy ~~((in such structures pursuant to))~~ under an energy conservation plan adopted by the city or town if the cost per unit of energy saved or produced by the use of ~~((such))~~ these materials and equipment is less than the incremental system cost ~~((per unit of energy produced by the next least costly new energy resource))~~ of generating, transmitting, and distributing electricity from the lowest cost alternative new source of supply which the city or town could acquire to meet future demands. Except where otherwise authorized, ~~((such))~~ assistance shall be limited to:

(1) ~~((Providing an inspection of the residential structure, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation materials and equipment for which financial assistance will be approved and the estimated life cycle savings in energy costs that are likely to result from the installation of such materials or equipment;~~

~~((2) Providing a list of businesses who sell and install such materials and equipment within or in close proximity to the service area of the city or town, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize such materials in accordance with the prevailing national standards;~~

~~((3) Arranging to have approved conservation materials and equipment installed by a private contractor whose bid is acceptable to the owner of the residential structure and verifying such installation; and~~

~~((4) Arranging or providing financing for the purchase and installation of approved conservation materials and equipment. Such materials and equipment shall be purchased from a private business and shall be installed by a private business or the owner;~~

~~((5) Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed one hundred twenty months in length.))~~ Providing an energy conservation analysis to the customer, either directly or through one or more consultants under contract. The analysis may include estimates of the purchase, installation, operation, and maintenance costs and other relevant information regarding characteristics of conservation materials and equipment, anticipated reductions in energy use, and associated reduction in energy costs, and recommendations on desirable energy conservation investments and practices;

(2) Arranging or providing financing for the purchase and installation of conservation materials and equipment which the city or town determines to be appropriate and to meet the requirements of this section. These materials and equipment shall be purchased from a private business and shall be installed by a private business or the customer. Financing may be secured by a lien against the structure benefited, by a performance bond, or by other methods provided under the uniform commercial code, Title 62A RCW. Loans shall not exceed one hundred twenty months in length;

(3) Arranging or coordinating the installation of materials and equipment by a private contractor whose bid is acceptable to the customer and to the city or town;

(4) Inspecting the work performed to verify proper installation of the materials and equipment; and

(5) When a city or town recommends financing measures which directly affect a system using another source of fuel, a copy of the recommendation shall be provided to the last known supplier of fuel for that system at the same time it is supplied to the customer.

Sec. 3. Section 3, chapter 239, Laws of 1979 ex. sess. and RCW 54.16-.280 are each amended to read as follows:

Any district is ~~((hereby))~~ authorized, within limits established by the Constitution of the state of Washington, to assist ~~((the owners of residential structures))~~ individuals, associations, companies, or corporations in financing the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy ~~((in such structures pursuant to))~~ under an energy conservation plan adopted by the district if the cost per unit of energy saved or produced by the use of ~~((such))~~ these materials and equipment is less than the incremental system cost ~~((per unit of energy produced by the next least costly new energy resource))~~ of generating, transmitting, and distributing electricity from the lowest cost alternative new source of supply which the district could acquire to meet future demands. Except where otherwise authorized, ~~((such))~~ assistance shall be limited to:

~~(1) ((Providing an inspection of the residential structure, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation materials and equipment for which financial assistance will be approved and the estimated life cycle savings in energy costs that are likely to result from the installation of such materials or equipment;~~

~~(2) Providing a list of businesses who sell and install such materials and equipment within or in close proximity to the service area of the district, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize such materials in accordance with the prevailing national standards;~~



~~(3) Arranging to have approved conservation materials and equipment installed by a private contractor whose bid is acceptable to the owner of the residential structure and verifying such installation; and~~

~~(4) Arranging or providing financing for the purchase and installation of approved conservation materials and equipment. Such materials and equipment shall be purchased from a private business and shall be installed by a private business or the owner.~~

~~(5) Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed one hundred twenty months in length.)) Providing an energy conservation analysis to the customer, either directly or through one or more consultants under contract. The analysis may include estimates of the purchase, installation, operation, and maintenance costs and other relevant information regarding characteristics of conservation materials and equipment, anticipated reductions in energy use, and associated reduction in energy costs, and recommendations on desirable energy conservation investments and practices;~~

(2) Arranging or providing financing for the purchase and installation of conservation materials and equipment which the district determines to be appropriate and to meet the requirements of this section. These materials and equipment shall be purchased from a private business and shall be installed by a private business or the customer. Financing may be secured by a lien against the structure benefited, by a performance bond, or by other methods provided under the uniform commercial code, Title 62A RCW. Loans shall not exceed one hundred twenty months in length;

(3) Arranging or coordinating the installation of materials and equipment by a private contractor whose bid is acceptable to the customer and to the district;

(4) Inspecting the work performed to verify proper installation of the materials and equipment; and

(5) When a district recommends financing measures which directly affect a system using another source of fuel, a copy of the recommendation shall be provided to the last known supplier of fuel for that system at the same time it is supplied to the customer.

NEW SECTION, Sec. 4. This act shall expire January 1, 2005.

NEW SECTION, Sec. 5. This 1983 act shall take effect on the same date as the proposed amendment to Article VIII of the state Constitution, authorizing the use of public moneys or credit to promote conservation or

more efficient use of energy, is validly submitted and is approved and ratified by the voters at a general election held in November, 1983. If the proposed amendment is not so approved and ratified, this 1983 act shall be null and void in its entirety.

Passed the House March 17, 1983.

Passed the Senate April 12, 1983.

Approved by the Governor April 21, 1983.

Filed in Office of Secretary of State April 21, 1983.

## CHAPTER 63

[Engrossed House Bill No. 371]

### HEALTH CARE SERVICE CONTRACTORS—INSURANCE COMMISSION INSPECTIONS—ASSESSMENTS

AN ACT Relating to insurance; amending section 12, chapter 115, Laws of 1969 and RCW 48.44.145; and amending section 13, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.120.

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

Sec. 1. Section 12, chapter 115, Laws of 1969 and RCW 48.44.145 are each amended to read as follows:

~~(1) ((On receipt of a verified complaint alleging that a health care service contractor is insolvent or that its manner of transacting business is contrary to this chapter, the commissioner may demand from the health care service contractor a statement, under oath, setting forth its assets and liabilities or course of conduct, as applicable. He may, for the purpose of verifying the correctness of such statement, examine the books and business affairs of the health care service contractor.~~

~~(2) If such a statement is not furnished within twenty days from the time of such demand by the commissioner or if, upon the examination of such records the statement furnished or any record examined is found to include any material misstatement of fact, the expense of the examination shall be paid by the health care service contractor.~~

~~(3)) The commissioner may make an examination of the operations of any health care service contractor as often as he deems necessary in order to carry out the purposes of this chapter.~~

~~(2) Every health care service contractor shall submit its books and records relating to its operation for financial condition and market conduct examinations and in every way facilitate them. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the health care service contractor.~~

~~(3) The commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the health care~~

service contractor in the course of that part of the commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his report of the examination.

(4) Health care service contractors licensed in the state shall be equitably assessed to cover the cost of financial condition and market conduct examinations. The assessments shall be levied not less frequently than once every twelve months and shall be in an amount expected to fund the examinations, including a reasonable margin for cost variations. The assessments shall be established by rules promulgated by the commissioner but shall not exceed one-half cent per month per person entitled to health care services pursuant to an agreement under RCW 48.44.020(1), excluding such persons who are not residents of this state. Assessment receipts shall be deposited in the general fund, shall be accounted for separately, and shall be used for the sole purpose of funding the examinations authorized in subsection (1) of this section. Amounts remaining in the separate account at the end of a biennium shall be applied to reduce the assessments in the succeeding biennium.

(5) Whenever any health care service contractor applies for initial admission, the commissioner may make, or cause to be made, an examination of the applicant's business and affairs. Whenever such an examination is made, all of the provisions of chapter 48.03 RCW not inconsistent with this chapter shall be applicable. In lieu of making an examination himself the commissioner may, in the case of a foreign health care service contractor, accept an examination report of the applicant by the regulatory official in its state of domicile.

Sec. 2. Section 13, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.120 are each amended to read as follows:

(1) The commissioner may make an examination of the operations of any health maintenance organization as often as he deems necessary in order to carry out the purposes of this chapter.

(2) Every health maintenance organization shall submit its books and records relating its operation for ~~((such))~~ financial condition and market conduct examinations and in every way facilitate them. The quality or appropriateness of medical services or systems shall not be examined except to the extent that such items are incidental to an examination of the financial condition or the market conduct of a health maintenance organization. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths, and examine the officers and ~~((agents))~~ principals of the health maintenance organization and the principals of such providers concerning their business.

(3) The commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the health maintenance organization in the course of that part of the commissioner's examination covering the same general subject matter as the audit. The

commissioner may incorporate the audit report in his report of the examination.

(4) Health maintenance organizations licensed in the state shall be equitably assessed to cover the cost of financial condition and market conduct examinations. The assessments shall be levied not less frequently than once every twelve months and shall be in an amount expected to fund the examinations, including a reasonable margin for cost variations. The assessments shall be established by rules promulgated by the commissioner but shall not exceed one-half cent per month per person entitled to health care services pursuant to a health maintenance agreement as defined in RCW 48.46.020(6), excluding such persons who are not residents of this state. Assessment receipts shall be deposited in the general fund, shall be accounted for separately, and shall be used for the sole purpose of funding the examinations authorized in subsection (1) of this section. Amounts remaining in the separate account at the end of a biennium shall be applied to reduce the assessments in the succeeding biennium.

Passed the House March 23, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 21, 1983.

Filed in Office of Secretary of State April 21, 1983.

## CHAPTER 64

[Engrossed House Bill No. 413]

### PORT DISTRICTS—LEASE OPTION—THIRTY YEAR EXTENSIONS

AN ACT Relating to port districts; and amending section 9, chapter 65, Laws of 1955 as last amended by section 1, chapter 87, Laws of 1973 and RCW 53.08.080.

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

Sec. 1. Section 9, chapter 65, Laws of 1955 as last amended by section 1, chapter 87, Laws of 1973 and RCW 53.08.080 are each amended to read as follows:

A district may lease all lands, wharves, docks and real and personal property owned and controlled by it, upon such terms as the port commission deems proper: PROVIDED, That no lease shall be for a period longer than fifty years with option for extensions for up to an additional thirty years, except where the property involved is or is to be devoted to airport purposes the port commission may lease said property for such period as may equal the estimated useful life of such work or facilities, but not to exceed seventy-five years: PROVIDED FURTHER, That where the property is held by the district under lease from the United States government or the state of Washington, or any agency or department thereof, the port commission may sublease said property, with option for extensions, up to the

total term and extensions thereof permitted by such lease, but in any event not to exceed ninety years.

Passed the House March 10, 1983.

Passed the Senate April 12, 1983.

Approved by the Governor April 21, 1983.

Filed in Office of Secretary of State April 21, 1983.

## CHAPTER 65

[Engrossed House Bill No. 534]

### PUBLIC TRANSPORTATION BENEFIT AREAS—CITIES—BOUNDARY MODIFICATION

AN ACT Relating to public transportation benefit authorities; amending section 11, chapter 270, Laws of 1975 1st ex. sess. as amended by section 40, chapter 151, Laws of 1979 and RCW 36.57A.010; amending section 14, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.040; amending section 15, chapter 270, Laws of 1975 1st ex. sess. as amended by section 2, chapter 44, Laws of 1977 ex. sess. and RCW 36.57A.050; amending section 24, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.140; and adding a new section to chapter 36.57A RCW.

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

Sec. 1. Section 11, chapter 270, Laws of 1975 1st ex. sess. as amended by section 40, chapter 151, Laws of 1979 and RCW 36.57A.010 are each amended to read as follows:

~~((For the purposes of this chapter the following definitions shall apply:))~~

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Public transportation benefit area" means a municipal corporation of the state of Washington created pursuant to this chapter.

(2) "Public transportation benefit area authority" or "authority" means the legislative body of a public transportation benefit area.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within a public transportation benefit area.

(5) "City council" means the legislative body of any city or town.

(6) "County legislative ~~((body))~~ authority" means the board of county commissioners or the county council.

(7) "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 by the office of financial management.

(8) "Public transportation service" means the transportation of packages, passengers, and their incidental baggage by means other than by chartered bus, sight-seeing bus, 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 shall prohibit an authority from leasing its buses to private certified carriers or prohibit the authority from providing school bus service.

(9) "Public transportation improvement conference" or "conference" ~~((staff))~~ means the body established pursuant to RCW 36.57A.020 which shall be authorized to establish, subject to the provisions of RCW 36.57A-.030, a public transportation benefit area pursuant to the provisions of this chapter.

Sec. 2. Section 14, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.040 are each amended to read as follows:

At the time of its formation no public transportation benefit area ~~((staff))~~ may include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such area. Notwithstanding any other provision of law, if subsequent to the formation of a public transportation benefit area additional area became or will become a part ((only)) of ((any)) a component city by annexation, merger, or otherwise, the additional area shall be included within the boundaries of ((a public)) the transportation benefit area ((such part)) and be subject to all taxes and other liabilities and obligations of the public transportation benefit area. The component city shall be required to notify the public transportation benefit area at the time the city has added the additional area. Furthermore, notwithstanding any other provisions of law, if a city that is not a component city of the public transportation benefit area adds area to its boundaries that is within the boundaries of the public transportation benefit area, the area so added shall be deemed to be (("unincorporated" for the purpose of selecting a member of the governing authority pursuant to RCW 36.57A.060)) excluded from the public transportation benefit area: PROVIDED, That the public transportation benefit area shall be given notice of the city's intention to add such area.

The boundaries of any public transportation benefit area shall follow school district lines or election precinct lines, as far as practicable. Only such areas shall be included which the conference determines could reasonably benefit from the provision of public transportation services. Only one public transportation benefit area may be created in any county.

Sec. 3. Section 15, chapter 270, Laws of 1975 1st ex. sess. as amended by section 2, chapter 44, Laws of 1977 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 members of the county ((commissioners)) legislative authority and the elected representative((s)) of ((cities)) each city 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)) legislative authority of each county within the area. If at

the time a public transportation benefit area authority assumes the public transportation functions previously provided under the Interlocal Cooperation Act (chapter 39.34 RCW) there are citizen positions on the governing board of the transit system, those positions may be retained as positions on the governing board of the public transportation benefit area authority.

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 may receive 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))~~ Each member of the authority is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation, as set by the authority, in an amount not to exceed forty-four dollars for each day during which the member attends official meetings of the authority or performs prescribed duties approved by the chairman of the authority. In no event may a member be compensated in any year for more than seventy-five days, except the chairman who may be paid compensation for not more than one hundred days: PROVIDED, That compensation shall not be paid to an elected official or employee of federal, state, or local government who is receiving regular full-time compensation from such government for attending meetings and performing prescribed duties of the authority.

NEW SECTION. Sec. 4. There is added to chapter 36.57A RCW a new section to read as follows:

After a public transportation benefit area has been in existence for four years, members of the county legislative authority and the elected representative of each city within the boundaries of the public transportation benefit area shall review the composition of the governing body of the benefit area and change the composition of the governing body if the change is deemed

appropriate. The review shall be at a meeting of the designated representatives of the component county and cities, and the majority of those present shall constitute a quorum at such meeting. Twenty days notice of the meeting shall be given by the chief administrative officer of the public transportation benefit area authority. After the initial review, a review shall be held every four years.

If an area having a population greater than fifteen percent, or areas with a combined population of greater than twenty-five percent of the population of the existing public transportation benefit area as constituted at the last review meeting, annex to the public transportation benefit area, the representatives of the component county and cities shall meet within ninety days to review and change the composition of the governing body, if the change is deemed appropriate. This meeting is in addition to the regular four-year review meeting and shall be conducted pursuant to the same notice requirement and quorum provisions of the regular review.

Sec. 5. Section 24, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.140 are each amended to read as follows:

(1) An election to authorize the annexation of territory contiguous to a public transportation benefit area may be called within the area to be annexed pursuant to resolution or petition in the following manner:

(a) By resolution of a public transportation benefit area authority when ~~((shall))~~ determines that the best interests and general welfare of ~~((such))~~ the public transportation benefit area would be served. ~~((Such))~~ The authority shall consider the question of areas to be annexed to the public transportation benefit area at least once every two years.

(b) By petition calling for such an election signed by at least four percent of the qualified voters residing within the area to be annexed and filed with the auditor of the county wherein the largest portion of the public transportation benefit area is located, and notice thereof shall be given to ~~((such))~~ the authority. Upon receipt of such a petition, the auditor shall examine ~~((the same))~~ it and certify to the sufficiency of the signatures thereon.

(c) By resolution of a public transportation benefit area authority upon request of any city for annexation thereto.

(2) The resolution or petition shall describe the boundaries of the area to be annexed. It shall require that there also be submitted to the electorate of the territory sought to be annexed a proposition authorizing the inclusion of ~~((such))~~ the area within the public transportation benefit area and authorizing the imposition of such taxes authorized by law to be collected by the authority.

~~((3)) Upon the annexation of additional area to a public transportation benefit area, the authority of the public transportation benefit area shall be~~



~~reconstituted within sixty days in accordance with the provisions of RCW 36.57A.050.))~~

Passed the House March 25, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 21, 1983.

Filed in Office of Secretary of State April 21, 1983.

## CHAPTER 66

[Substitute House Bill No. 547]

### PUBLIC DEPOSITARIES

AN ACT Relating to public depositaries; amending section 28A.58.440, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.440; amending section 35A.40.050, chapter 119, Laws of 1967 ex. sess. as amended by section 64, chapter 3, Laws of 1983 and RCW 35A.40.050; amending section 1, chapter 193, Laws of 1969 ex. sess. as last amended by section 1, chapter 95, Laws of 1977 ex. sess. and RCW 39.58.010; amending section 2, chapter 193, Laws of 1969 ex. sess. as amended by section 10, chapter 126, Laws of 1973 and RCW 39.58.020; amending section 4, chapter 193, Laws of 1969 ex. sess. as amended by section 2, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.040; amending section 5, chapter 193, Laws of 1969 ex. sess. as last amended by section 3, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.050; amending section 6, chapter 193, Laws of 1969 ex. sess. as amended by section 12, chapter 126, Laws of 1973 and RCW 39.58.060; amending section 8, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.080; amending section 10, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.100; amending section 4, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.103; amending section 5, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.105; amending section 6, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.108; amending section 3, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.030; amending section 43.85.190, chapter 8, Laws of 1965 as last amended by section 113, chapter 3, Laws of 1983 and RCW 43.85.190; amending section 43.85.210, chapter 8, Laws of 1965 and RCW 43.85.210; amending section 43.85.230, chapter 8, Laws of 1965 and RCW 43.85.230; amending section 1, chapter 123, Laws of 1973 and RCW 43.86A.010; amending section 15, chapter 103, Laws of 1959 as last amended by section 3, chapter 24, Laws of 1981 and RCW 56.16.160; amending section 16, chapter 108, Laws of 1959 as last amended by section 4, chapter 24, Laws of 1981 and RCW 57.20.160; adding new sections to chapter 39.58 RCW; repealing section 11, chapter 176, Laws of 1963, section 3, chapter 111, Laws of 1965 and RCW 32.12.100; repealing section 6, chapter 230, Laws of 1969 ex. sess. and RCW 35.38.120; repealing section 7, chapter 230, Laws of 1969 ex. sess. and RCW 35.38.130; repealing section 8, chapter 230, Laws of 1969 ex. sess. and RCW 35.38.140; repealing section 3, chapter 230, Laws of 1969 ex. sess. and RCW 36.48.160; repealing section 4, chapter 230, Laws of 1969 ex. sess. and RCW 36.48.170; repealing section 5, chapter 230, Laws of 1969 ex. sess. and RCW 36.48.180; repealing section 1, chapter 6, Laws of 1951 and RCW 33.52.010; repealing section 11, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.110; repealing section 43.85.010, chapter 8, Laws of 1965, section 14, chapter 193, Laws of 1969 ex. sess., section 15, chapter 126, Laws of 1973, section 7, chapter 77, Laws of 1975 1st ex. sess. and RCW 43.85.010; repealing section 43.85.030, chapter 8, Laws of 1965, section 1, chapter 132, Laws of 1967, section 15, chapter 193, Laws of 1969 ex. sess., section 16, chapter 126, Laws of 1973 and RCW 43.85.030; repealing section 1, chapter 230, Laws of 1969 ex. sess. and RCW 43.85.250; and repealing section 2, chapter 230, Laws of 1969 ex. sess. and RCW 43.85.260.

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

Sec. 1. Section 28A.58.440, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.440 are each amended to read as follows:

The county treasurer, or the trustee, guardian, or any other custodian of any school fund, when authorized to do so by the board of directors of any school district, shall invest or reinvest any school funds of such district in ~~((savings or time accounts in banks, trust companies and mutual savings banks which are doing business in this state, up to the amount of insurance afforded such accounts by the Federal Deposit Insurance Corporation, or in accounts in savings and loan associations which are doing business in this state, up to the amount of insurance afforded such accounts by the Federal Savings and Loan Insurance Corporation))~~ investment deposits in any qualified public depository, or any obligations, securities, certificates, notes, bonds, or short term securities or obligations, of the United States. The county treasurer shall have the power to select the particular investment in which said funds may be invested. All earnings and income from such investments shall inure to the benefit of any school fund designated by the board of directors of the school district which such board may lawfully designate: PROVIDED, That any interest or earnings being credited to a fund different from that which earned the interest or earnings shall only be expended for instructional supplies, equipment or capital outlay purposes. This section shall apply to all funds which may be lawfully so invested or reinvested which in the judgment of the school board are not required for the immediate necessities of the district.

Five percent of the interest or earnings, with an annual minimum of ten dollars or annual maximum of fifty dollars, on any transactions authorized by each resolution of the board of school directors shall be paid as an investment service fee to the office of county treasurer when the interest or earnings becomes available to the school district.

Sec. 2. Section 35A.40.050, chapter 119, Laws of 1967 ex. sess. as amended by section 64, chapter 3, Laws of 1983 and RCW 35A.40.050 are each amended to read as follows:

Excess and inactive funds on hand in the treasury of any code city may be invested in the same manner and subject to the same limitations as provided for city and town funds in all applicable statutes, including, but not limited to the following: RCW ~~((32.12.100, 33.52.010,))~~ 35.39.030, 35.58.510, 35.81.070, 35.82.070, 36.29.020, 39.58.020, 39.58.080, 39.58.130, 39.60.010, 39.60.020, 41.16.040, 68.12.060, 68.12.065, and 72.19.120.

The responsibility for determining the amount of money available in each fund for investment purposes shall be placed upon the department, division or board responsible for the administration of such fund.

Moneys thus determined available for this purpose may be invested on an individual fund basis or may, unless otherwise restricted by law be commingled within one common investment portfolio for the mutual benefit of all participating funds: PROVIDED, That if such moneys are commingled in a common investment portfolio, all income derived therefrom shall be

apportioned among the various participating funds in direct proportion to the amount of money invested by each.

Any excess or inactive funds on hand in the city treasury not otherwise invested for the specific benefit of any particular fund, may be invested by the city treasurer in United States government bonds, notes, bills or certificates of indebtedness for the benefit of the general or current expense fund.

Sec. 3. Section 1, chapter 193, Laws of 1969 ex. sess. as last amended by section 1, chapter 95, Laws of 1977 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 depository~~) under the control of a treasurer or custodian belonging to, or held for the benefit of, the state or any of its political subdivisions, municipal corporations, agencies, courts, boards, commissions, or committees, 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," "public depository," or "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~~) financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has been approved by the commission to hold public deposits, and which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability. Addition of the word "bank" denotes a bank, trust company, or national banking association and the word "thrift" denotes a savings and loan association, mutual savings bank, or stock savings bank;

(3) "Loss" means the issuance of an order ((of)) by a regulatory or supervisory authority or a court of competent jurisdiction (a) restraining a qualified public depository from making payments of deposit liabilities or ((the appointment of)) (b) appointing 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~~) securities which ((is eligible as security)) are enumerated in RCW 39.58.050(5) and (6) as eligible collateral for public deposits ((pursuant to applicable state law));

(6) The "maximum liability" of a qualified public depository on any given date means a sum equal to ten percent of (a) all public deposits held by the qualified public depository on the then most recent call report date if it is a bank depository and on the then most recent commission report date if it is a thrift depository, 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 paid to the commission pursuant to this chapter since the then most recent call report date for a bank depository or commission report date for a thrift depository;

(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))~~ all time deposits and savings deposits in qualified public depositories 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;

(10) "Financial institution" means a branch of a bank engaged in banking in this state in accordance with RCW 30.04.300, and any state bank or trust company, national banking association, stock savings bank, mutual savings bank, or savings and loan association located in this state and lawfully engaged in business;

(11) "Call report" means a formal accounting rendered by banks to the comptroller of the currency or the supervisor of banks in response to a demand made by such authority for a statement of the condition of each bank as of the close of business on a specified date, which is the "call report date." "Call report due date" is the last day for the timely filing of a call report;

(12) "Commission report" means a formal accounting rendered by all thrift depositories to the commission in response to a demand for specific information made upon all thrift depositories by the commission detailing pertinent affairs of each thrift depository as of the close of business on a specified date, which is the "commission report date." "Commission report due date" is the last day for the timely filing of a commission report;

(13) "Supervisor" means either the supervisor of banks or the supervisor of savings and loan associations or both depending upon context and usage in accordance with applicable statutory authority;

(14) "Net worth" of a depository means (a) for a bank depository, the aggregate of capital, surplus, undivided profits and all capital notes and debentures which are subordinate to the interest of depositors, and (b) for a thrift depository, the aggregate of such capital stock, guaranty fund, general reserves, surplus, undivided profits, and capital notes and debentures which

are subordinate to the interest of depositors, as are eligible for inclusion in otherwise determining the net worth of a mutual savings bank, stock savings bank, or savings and loan association.

**NEW SECTION.** Sec. 4. There is added to chapter 39.58 RCW a new section to read as follows:

The director of the department of revenue shall notify the public deposit protection commission quarterly on the first day of October, January, April, and July of the names and addresses of any financial institutions which have claimed exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state.

Sec. 5. Section 2, chapter 193, Laws of 1969 ex. sess. as amended by section 10, chapter 126, Laws of 1973 and RCW 39.58.020 are each amended to read as follows:

~~((On and after August 11, 1969,))~~ All public deposits in qualified public depositories, including investment deposits and accrued interest thereon, shall be protected against loss, as provided in this chapter.

Sec. 6. Section 3, chapter 193, Laws of 1969 ex. sess. and RCW 39.58-.030 are each amended to read as follows:

The Washington public deposit protection commission shall be the state finance committee. The record of the proceedings of the public deposit protection commission shall be kept in the office of the commission and a duly certified copy thereof, or any part thereof, shall be admissible in evidence in any action or proceedings in any court of this state.

Sec. 7. Section 4, chapter 193, Laws of 1969 ex. sess. as amended by section 2, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.040 are each amended to read as follows:

The commission shall have power (1) to make and enforce regulations necessary and proper to the full and complete performance of its functions under this chapter; (2) to require any qualified public depository to furnish such information dealing with public deposits and the exact status of its capital, surplus, and undivided profits as the commission shall request. Any public depository which refuses or neglects to give promptly and accurately or to allow verification of any information so requested shall no longer be a qualified public depository and shall be excluded from the right to receive or hold public deposits until such time as the commission shall acknowledge that such depository has furnished the information requested; (3) to take such action as it deems best for the protection, collection, compromise or settlement of any claim arising in case of loss; (4) to prescribe regulations, subject to this chapter, fixing the requirements for qualification of ~~((banks))~~ financial institutions as public depositories, and fixing other terms and conditions consistent with this chapter, under which public deposits may be received and held; (5) to fix the official date on which any loss shall be deemed to have occurred taking into consideration the orders, rules and

regulations of supervisory authority as they affect the failure or inability of a qualified public depository to repay public deposits in full; (6) in case loss occurs in more than one qualified public depository, to determine the allocation and time of payment of any sums due to public depositors under this chapter.

Sec. 8. Section 5, chapter 193, Laws of 1969 ex. sess. as last amended by section 3, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.050 are each amended to read as follows:

(1) Every qualified public depository shall at all times maintain, segregated from its other assets, eligible collateral in the form of securities enumerated in this section having a value at least equal to its maximum liability under this chapter. Such collateral may be segregated by deposit in the trust department of the depository or in such other manner as the commission approves and shall be clearly designated as security for the benefit of public depositors under this chapter.

(2) Securities eligible as collateral shall be valued at face value or market value as determined by the commission.

(3) The depository shall have the right to make substitutions of such collateral at any time.

(4) The income from the securities which have been segregated as collateral shall belong to the depository (~~(bank)~~) without restriction.

(5) Each of the following enumerated classes of securities, providing there has been no default in the payment of principal or interest thereon, shall be eligible to qualify as collateral:

(a) Bonds, notes, or other securities constituting direct and general obligations of the United States or the bonds, notes, or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States, and bonds, notes, letters of credit, or other securities or evidence of indebtedness constituting the direct and general obligation of a federal home loan bank or federal reserve bank;

(b) (i) Direct and general obligation bonds and warrants of the state of Washington or of any other state of the United States;

(ii) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

(c) Direct and general obligation bonds and warrants of any city, town, county, school district, port district, or other political subdivision of the state, having the power to levy general taxes, which are payable from general ad valorem taxes;

(d) Bonds issued by public utility districts as authorized under the provisions of Title 54 RCW, as now or hereafter amended;

(c) Bonds of any city of the state of Washington for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city;

~~((f))~~ (6) In addition to the securities enumerated in subsections ~~((s))~~ (5)(a) through (e) of this section, every public depository may also segregate such bonds, securities, and other obligations as are designated to be authorized security for all public deposits pursuant to RCW 35.58.510, 35.81.110, 35.82.220, 39.60.030, 39.60.040 and 54.24.120, as now or hereafter amended.

(7) The commission may at any time or times declare any particular security as ineligible to qualify as collateral when in the commission's judgment it is deemed desirable to do so.

Sec. 9. Section 6, chapter 193, Laws of 1969 ex. sess. as amended by section 12, chapter 126, Laws of 1973 and RCW 39.58.060 are each amended to read as follows:

When the commission determines that a loss has occurred in a bank depository, it shall as soon as possible make payment to the proper public officers of all funds subject to such loss, pursuant to the following procedures:

(1) For the purposes of determining the sums to be paid, the supervisor ~~((of banking))~~ or receiver shall, within twenty days after issuance of a restraining order or taking possession of any qualified bank public depository, ascertain the amount of public funds on deposit therein as disclosed by its records and the amount thereof covered by deposit insurance and certify the amounts thereof to the commission and each such public depositor;

(2) Within ten days after receipt of such certification, each such public depositor shall furnish to the commission verified statements of its deposits in such bank depository as disclosed by its records;

(3) Upon receipt of such certificate and statements, the commission shall ascertain and fix the amount of such public deposits, net after deduction of any deposit insurance, and, after determining and declaring the apparent net loss, assess the same against all then qualified bank public depositories, as follows: First, against the depository in which the loss occurred, to the extent of the full value of collateral segregated pursuant to this chapter; second, against all other ~~((then))~~ qualified bank public depositories pro rata in proportion to ~~((their))~~ the maximum liability ~~((which))~~ of each such depository as it existed ~~((at))~~ on the date of loss;

(4) Assessments made by the commission shall be payable on the second business day following demand, and in case of the failure of any qualified public depository so to pay, the commission shall forthwith take possession of the securities segregated as collateral by such depository pursuant to this chapter and liquidate the same for the purpose of paying such assessment;

(5) Upon receipt of such assessment payments, the commission shall reimburse the public depositors of the depository in which the loss occurred to the extent of the depository's net deposit liability to them.

NEW SECTION, Sec. 10. There is added to chapter 39.58 RCW a new section to read as follows:

When the commission determines that a loss has occurred in a thrift depository, it shall as soon as possible make payment to the proper public officers of all funds subject to such loss, pursuant to the following procedures:

(1) For the purposes of determining the sums to be paid, the supervisor or receiver shall, within twenty days after issuance of a restraining order or taking possession of any qualified thrift public depository, ascertain the amount of public funds on deposit therein as disclosed by its records and the amount thereof covered by deposit insurance and certify the amounts thereof to the commission and each such public depositor;

(2) Within ten days after receipt of such certification, each such public depositor shall furnish to the commission verified statements of its deposits in such thrift depository as disclosed by its records;

(3) Upon receipt of such certificate and statements, the commission shall ascertain and fix the amount of such public deposits, net after deduction of any deposit insurance, and, after determining and declaring the apparent net loss, assess the same against all then qualified thrift public depositories, as follows: First, against the depository in which the loss occurred, to the extent of the full value of collateral segregated pursuant to this chapter; second, against all other qualified thrift public depositories pro rata in proportion to the maximum liability of each such depository as it existed on the date of loss;

(4) Assessments made by the commission shall be payable on the second business day following demand, and in case of the failure of any qualified public depository so to pay, the commission shall forthwith take possession of the securities segregated as collateral by such depository pursuant to this chapter and liquidate the same for the purpose of paying such assessment;

(5) Upon receipt of such assessment payments, the commission shall reimburse the public depositors of the depository in which the loss occurred to the extent of the depository's net deposit liability to them.

Sec. 11. Section 8, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.080 are each amended to read as follows:

~~((Except as provided in RCW 39.58.110;))~~ No public deposit shall be made except in a qualified public depository located in this state.

Sec. 12. Section 10, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.100 are each amended to read as follows:



On each call report due date, each ~~((qualified public))~~ bank depository shall render to the commission a written report, certified under oath, indicating the total amount of public deposits held by it on the call report date and the amount and nature of ~~((the))~~ eligible collateral then segregated ~~((and designated therefor in accordance with this chapter))~~ for the benefit of the commission.

On each commission report due date, each thrift depository shall render to the commission a written report, certified under oath, indicating the total amount of public deposits held by it on the commission report date and the amount and nature of eligible collateral then segregated for the benefit of the commission.

The commission may instruct the supervisor ~~((of banking))~~ to examine and thereafter certify as to the accuracy of any statement as to the segregation of securities by any public ~~((depositories))~~ depository.

Sec. 13. Section 4, chapter 77, Laws of 1975 1st ex. sess. and RCW 39-.58.103 are each amended to read as follows:

Each public depository shall ~~((within five working days of the event))~~ notify the commission in writing ~~((when the aggregate of the capital, surplus, and undivided profits of such depository has been))~~ within five working days of the happening of an event which causes its net worth to be reduced by an amount ~~((equal to or))~~ greater than ten percent of the amount shown as ~~((the capital accounts on the last))~~ its net worth on the most recent report submitted ~~((to the commission as required by))~~ pursuant to RCW 39.58.100.

Sec. 14. Section 5, chapter 77, Laws of 1975 1st ex. sess. and RCW 39-.58.105 are each amended to read as follows:

The commission may require the state auditor or the supervisor ~~((of banking))~~ to thoroughly investigate and report to it concerning the condition of any ~~((bank))~~ financial institution which makes application to become a qualified public depository, and may also as often as it deems necessary require such investigation and report concerning the condition of any ~~((bank))~~ financial institution which has been designated as ~~((such))~~ a qualified public depository. The expense of ~~((any of the foregoing))~~ all such investigations or reports shall be borne by the ~~((depository))~~ financial institution examined. In lieu of any such investigation or report, the commission may rely upon information made available to it or the supervisor ~~((of banking))~~ by the office of the comptroller of the currency, the federal deposit insurance corporation, ~~((or))~~ the federal reserve board, the federal savings and loan insurance corporation, or the federal home loan bank board.

The supervisor ~~((of banking))~~ shall in addition advise the commission of any action the supervisor has directed any qualified public depository to take which ~~((would))~~ will result in a reduction~~((, equal to or))~~ of greater

than ten percent(%) of the (~~aggregate of the capital, surplus, and undivided profits~~) net worth of such depository as shown on the most recent report it submitted pursuant to RCW 39.58.100.

Sec. 15. Section 6, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.108 are each amended to read as follows:

Newly chartered (~~banks in the state of Washington~~) financial institutions may become qualified depositories upon approval by the commission and segregation of collateral in the manner as set forth in this chapter, and upon compliance with all rules as promulgated by the commission. Until such time as newly chartered depositories have submitted four consecutive reports to the commission as required by RCW 39.58.100, they shall at all times pledge and segregate eligible securities in an amount equal to not less than ten percent of all public funds on deposit in said depository.

Sec. 16. Section 13, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.130 are each amended to read as follows:

A treasurer as defined in RCW 39.58.010 is authorized to deposit in investment deposits in a qualified public depository any public funds available for investment and secured by collateral in accordance with the provisions of this chapter, and receive interest thereon. The authority provided by this section is additional to any authority now or hereafter provided by law for the investment or deposit of public funds by any such treasurer: PROVIDED, That in no case shall the deposit or deposits of public funds by any such treasurer in any one (~~bank or trust company~~) qualified public depository exceed at any (~~one~~) time (~~in the aggregate the total of the capital, surplus, and undivided profits of such bank or trust company~~) the net worth of that depository.

Sec. 17. Section 43.85.190, chapter 8, Laws of 1965 as last amended by section 113, chapter 3, Laws of 1983 and RCW 43.85.190 are each amended to read as follows:

It is the purpose of RCW 43.85.190 through 43.85.230 to authorize the state treasurer to make investment deposits of state moneys or funds in his custody in (~~state~~) qualified public depositories at a rate of interest (~~fixed by the public deposit protection commission in accordance with RCW 39.58.120~~) permitted by any applicable statute or regulation.

Sec. 18. Section 43.85.210, chapter 8, Laws of 1965 and RCW 43.85.210 are each amended to read as follows:

The state treasurer may deposit state moneys or funds at interest in any qualified (~~state depository bank~~) public depository upon a demand or time account basis.

Sec. 19. Section 43.85.230, chapter 8, Laws of 1965 and RCW 43.85.230 are each amended to read as follows:

The state treasurer, upon approval by the state finance committee, may deposit moneys not required to meet current demands upon a term deposit

basis not to exceed one year at such interest rates and upon such conditions as to withdrawals of such moneys as may be agreed upon between the state finance committee and any qualified public depository (~~bank or banks in the state~~).

Sec. 20. Section 1, chapter 123, Laws of 1973 and RCW 43.86A.010 are each amended to read as follows:

The legislature finds that a procedure should be established for the management of short term treasury surplus funds by the state treasurer in order to insure a maximum return while they are on deposit in public depositories. The objectives of this procedure are to minimize noninterest earning demand deposits and provide fair compensation to ~~((banks))~~ financial institutions for services rendered to the state through the investment of state funds in time deposits.

Sec. 21. Section 15, chapter 103, Laws of 1959 as last amended by section 3, chapter 24, Laws of 1981 and RCW 56.16.160 are each amended to read as follows:

Whenever there shall have accumulated in any general or special fund of a sewer district moneys, the disbursement of which is not yet due, the board of commissioners may, by resolution, authorize the county treasurer to deposit or invest such moneys in ~~((banks, mutual savings banks, or savings and loan associations in an amount in each institution no greater than the amount insured by any department or agency of the United States government, the federal deposit insurance corporation, or the federal savings and loan insurance corporation))~~ qualified public depositories, or to invest such moneys in direct obligations of the United States government: PROVIDED, That the county treasurer may refuse to invest any district moneys the disbursement of which will be required during the period of investment to meet outstanding obligations of the district.

Sec. 22. Section 16, chapter 108, Laws of 1959 as last amended by section 4, chapter 24, Laws of 1981 and RCW 57.20.160 are each amended to read as follows:

Whenever there shall have accumulated in any general or special fund of a water district moneys, the disbursement of which is not yet due, the board of water commissioners may, by resolution, authorize the county treasurer to deposit or invest such moneys in ~~((banks, mutual savings banks, or savings and loan associations in an amount in each institution no greater than the amount insured by any department or agency of the United States government, the federal deposit insurance corporation, or the federal savings and loan insurance corporation))~~ qualified public depositories, or to invest such moneys in direct obligations of the United States government: PROVIDED, That the county treasurer may refuse to invest any district moneys the disbursement of which will be required during the period of investment to meet outstanding obligations of the district.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

(1) Section 11, chapter 176, Laws of 1963, section 3, chapter 111, Laws of 1965 and RCW 32.12.100;

(2) Section 6, chapter 230, Laws of 1969 ex. sess. and RCW 35.38.120;

(3) Section 7, chapter 230, Laws of 1969 ex. sess. and RCW 35.38.130;

(4) Section 8, chapter 230, Laws of 1969 ex. sess. and RCW 35.38.140;

(5) Section 3, chapter 230, Laws of 1969 ex. sess. and RCW 36.48.160;

(6) Section 4, chapter 230, Laws of 1969 ex. sess. and RCW 36.48.170;

(7) Section 5, chapter 230, Laws of 1969 ex. sess. and RCW 36.48.180;

(8) Section 1, chapter 6, Laws of 1951 and RCW 33.52.010;

(9) Section 11, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.110;

(10) Section 43.85.010, chapter 8, Laws of 1965, section 14, chapter 193, Laws of 1969 ex. sess., section 15, chapter 126, Laws of 1973, section 7, chapter 77, Laws of 1975 1st ex. sess. and RCW 43.85.010;

(11) Section 43.85.030, chapter 8, Laws of 1965, section 1, chapter 132, Laws of 1967, section 15, chapter 193, Laws of 1969 ex. sess., section 16, chapter 126, Laws of 1973 and RCW 43.85.030;

(12) Section 1, chapter 230, Laws of 1969 ex. sess. and RCW 43.85-.250; and

(13) Section 2, chapter 230, Laws of 1969 ex. sess. and RCW 43.85.260.

NEW SECTION. Sec. 24. 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 March 14, 1983.

Passed the Senate April 12, 1983.

Approved by the Governor April 21, 1983.

Filed in Office of Secretary of State April 21, 1983.

## CHAPTER 67

[House Bill No. 787]

### UNEMPLOYMENT COMPENSATION—REMUNERATION DEFINITION EXCLUDES ARMED FORCES RESERVE PAY

AN ACT Relating to unemployment compensation; and amending section 33, chapter 35, Laws of 1945 as last amended by section 3, chapter 2, Laws of 1970 ex. sess. and RCW 50.04.320.

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

Sec. 1. Section 33, chapter 35, Laws of 1945 as last amended by section 3, chapter 2, Laws of 1970 ex. sess. and RCW 50.04.320 are each amended to read as follows:

For the purpose of payment of contributions, "wages" means the remuneration paid by one employer during any calendar year to an individual in its employment under this title or the unemployment compensation law of any other state in the amount specified in RCW 50.24.010. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the operating assets of another employer (hereinafter referred to as a predecessor employer) or assets used in a separate unit of a trade or business of a predecessor employer, and immediately after the acquisition employs in his trade or business an individual who immediately ~~((prior to))~~ before the acquisition was employed in the trade or business of ~~((such))~~ the predecessor employer, then, for the purposes of determining the amount of remuneration paid by the successor employer to ~~((such))~~ the individual during ~~((such))~~ the calendar year which is subject to contributions, any remuneration paid to ~~((such))~~ the individual by ~~((such))~~ the predecessor employer during ~~((such))~~ that calendar year and ~~((prior to such))~~ before th acquisition shall be considered as having been paid by ~~((such))~~ the successor employer.

For the purpose of payment of benefits, "wages" means the remuneration payable by one or more employers to an individual for employment under this title during his base year.

"Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner. Remuneration does not include payments to members of a reserve component of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

Passed the House March 29, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 21, 1983.

Filed in Office of Secretary of State April 21, 1983.

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## CHAPTER 68

[Engrossed Senate Bill No. 3076]

### GARBAGE TRUCKS—AXLES—TIRES—WEIGHT LIMITATIONS

AN ACT Relating to garbage trucks; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 159, chapter 158, Laws of 1979 and RCW 46.44.095; and adding a new section to chapter 46.04 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 46.04 RCW a new section to read as follows:

"Garbage truck" means a truck specially designed and used exclusively for garbage or refuse operations.

Sec. 2. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 159, chapter 158, Laws of 1979 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 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 within the tire limits of RCW 46.44.042, and not withstanding RCW 46.44.041 and RCW 46.44.091, a permit for an additional ((two)) six 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 or eight thousand pounds for the tandem axle of a three axle garbage truck at a rate not to exceed thirty dollars per thousand. Such additional weight in the case of garbage trucks 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 upon such terms and conditions as may be prescribed by the 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 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 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 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 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 licensing. Listings furnished shall also include the percentage of mileage operated in Washington which ((shall be)) is the same percentage as determined by the department of licensing, for purposes of prorating license fees.

Passed the Senate February 2, 1983.

Passed the House April 15, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 69

[Substitute House Bill No. 16]

### SCHOOL DISTRICT EMPLOYEES—RETIREMENT—SERVICE CREDIT COMPUTATION

AN ACT Relating to the Washington public employees retirement system; amending section 1, chapter 274, Laws of 1947 as last amended by section 6, chapter 256, Laws of 1981 and RCW 41.40.010; amending section 1, chapter 23, Laws of 1973 and RCW 41.40.450; and creating a new section.

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

Sec. 1. Section 1, chapter 274, Laws of 1947 as last amended by section 6, chapter 256, Laws of 1981 and RCW 41.40.010 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 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.

(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 35.63.070 and 36.70.060 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 35.63.070, 36.70.060, 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 the member 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 contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's 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 contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's 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 retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit: PROVIDED FURTHER, 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, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b) and 457 of the United States Internal Revenue Code, 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 retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in

the legislature, the member shall have the option of having such member's compensation earnable 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 seventy hours or more 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.

Members employed by the state school for the blind, or the state school for the deaf shall receive twelve months of service for each contract year or school year of employment commencing on or after June 15, 1979. ((~~the~~ addition;))

Each member who is employed by an institution of higher education or a community college shall receive twelve months of service for each academic year of employment commencing on or after June 15, 1979, in which((~~the~~)) the member makes member contributions under this chapter for each month of such academic year, and ((~~the~~)) the member is employed in a position which is restricted as to duration by the employer to the academic year.

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 an individual shall receive no more than a total of twelve months of service credit during any calendar year: PROVIDED FURTHER, That where an individual is employed by two or more employers the individual shall only receive one months service credit during any calendar month in which multiple service for seventy or more hours is rendered.

During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in

which the school is closed for a vacation period of five calendar days or more. The member shall have been employed or on paid leave of absence for at least three and one-half hours each day the school was open or shall have received compensation for service averaging at least three and one-half hours for each such day.

(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.

During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in which the school is closed for a vacation period of five calendar days or more. The member shall have been employed or on paid leave of absence for at least four and one-half hours each day the school was open or shall have received compensation for service averaging at least four and one-half hours for each such day.

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.

A member shall receive a total of not more than twelve months of service for such calendar year: PROVIDED, That when an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(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 department) 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: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option;

(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 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, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(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 of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(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 director may determine.

(14) "Accumulated contributions" 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.

(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 the member has less than two years of service then the annual

average compensation earnable during the 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 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 director.

(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" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

Sec. 2. Section 1, chapter 23, Laws of 1973 and RCW 41.40.450 are each amended to read as follows:

Notwithstanding any other law, or rule or regulation of the ~~((retirement board, contributions to the retirement system relating to any classified employee of a school district actually))~~ director, any member employed by the school district who is actually employed by the district on a continuous nine month basis ((shall be prorated on a twelve month basis and counted in the computation of any retirement allowance or other benefits provided for in this chapter as for twelve months of service)) and who earns at least nine months of service credit under RCW 41.40.010(9) during the school district's fiscal year shall receive credit for twelve months of service.

NEW SECTION. Sec. 3. Section 1 of this 1983 act applies only to service credit accruing after the effective date of this 1983 act.

Passed the House March 11, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 70

[House Bill No. 102]

### VOCATIONAL REHABILITATION—INJURED WORKERS—CERTAIN BENEFITS AVAILABLE REGARDLESS OF INJURY DATE

AN ACT Relating to vocational rehabilitation; amending section 10, chapter 14, Laws of 1980 as amended by section 11, chapter 63, Laws of 1982 and RCW 51.32.095; amending section 13, chapter 63, Laws of 1982 and RCW 51.32.250; adding a new section to chapter 51.41 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is added to chapter 51.41 RCW a new section to read as follows:

The intent of this chapter is to benefit otherwise eligible injured workers in this state including those injured before January 1, 1983, provided that claims shall not be reopened solely for vocational rehabilitation purposes. This chapter shall be liberally construed to accomplish this intent.

Sec. 2. Section 10, chapter 14, Laws of 1980 as amended by section 11, chapter 63, Laws of 1982 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 worker to gainful employment. To this end, the department shall utilize the services of individuals and organizations, public or private, 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, retraining, and job placement a may be reasonable to qualify the worker for employment consistent with his or her physical and mental status. Where, after evaluation and recommendation by such individuals or organizations and prior to final evaluation of the worker's permanent disability and in the sole opinion of the supervisor or supervisor's designee, whether or not medical treatment has been concluded, vocational rehabilitation or retraining with job placement is both necessary and likely to restore the injured worker to a form of gainful employment, including self-employment, the supervisor or supervisor's designee 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, transportation, child or dependent care, and other necessary expenses for any such worker in an amount not to exceed three thousand dollars in any fifty-two week period, and continue the temporary total disability compensation under RCW 51.32.090 while the worker is actively and successfully undergoing a formal program of vocational rehabilitation or retraining with job placement. Such expenses may include training fees for on-the-job training and the cost of furnishing tools and other equipment necessary for self-employment or reemployment: PROVIDED, That such compensation or payment of retraining with job placement 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 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 as the case may be.

The benefits provided for in this section are available to any otherwise eligible worker regardless of the date of industrial injury.

Sec. 3. Section 13, chapter 63, Laws of 1982 and RCW 51.32.250 are each amended to read as follows:

Modification of the injured worker's previous job is recognized as a desirable method of returning the injured worker to suitable gainful employment. In order to assist employers in meeting the costs of job modification, and to encourage employers to modify jobs to accommodate retaining or hiring workers with disabilities resulting from work-related injury, the supervisor in his or her discretion may pay job modification costs in an amount not to exceed five thousand dollars per worker per job modification.

This payment is intended to be a cooperative participation with the employer and funds shall be taken from the appropriate account within the second injury fund.

The benefits provided for in this section are available to any otherwise eligible worker regardless of the date of industrial injury.

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.

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 April 13, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 71

[Engrossed House Bill No. 387]

### MEDICAL DISCIPLINARY ACCOUNT—ASSESSMENTS LEVIED ON PHYSICIANS AND SURGEONS

AN ACT Relating to the medical disciplinary board; and adding new sections to chapter 18.72 RCW.

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

NEW SECTION. Sec. 1. There is hereby levied to be collected by the department of licensing from every physician and surgeon licensed pursuant to chapter 18.71 RCW an annual medical disciplinary assessment equal to the license renewal fee established under RCW 43.24.085. The assessment levied pursuant to this subsection is in addition to any license renewal fee established under RCW 43.24.085.

NEW SECTION. Sec. 2. Because it is the express purpose of this chapter to protect the public health and to provide for a public agency to act as a disciplinary body for members of the medical profession licensed to practice medicine and surgery in this state, and because the health and well-being of the people of this state are of paramount importance, there is hereby created an account within the general fund to be known as the medical disciplinary account. All assessments, fines, and other funds collected or received pursuant to this chapter shall be deposited in the medical disciplinary account and used to administer and implement this chapter.

NEW SECTION. Sec. 3. The director of licensing shall allocate all appropriated funds to accomplish the purposes of this chapter.



NEW SECTION. Sec. 4. Sections 1 through 3 of this act are each added to chapter 18.72 RCW.

Passed the House March 31, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 72

[Substitute House Bill No. 482]

### MOTOR VEHICLE LICENSE PLATES—REPLACEMENT

AN ACT Relating to motor vehicle license plates; and adding a new section to chapter 46.16 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 46.16 RCW a new section to read as follows:

On January 1, 1984, the department of licensing shall implement a system for recording the date of issuance of all vehicle license number plates.

Any person applying for an original vehicle license after January 1, 1985, shall be required to purchase new or replacement vehicle license number plates before obtaining a new certificate of title for the vehicle if the vehicle license number plates are five years old or older.

Any person applying for a renewal vehicle license after January 1, 1985, shall be required to purchase replacement vehicle license number plates if the vehicle license number plates were issued on or before January 1, 1968. License plates which may be retained by a vehicle owner pursuant to RCW 46.16.290 shall not be subject to this section.

Passed the House April 15, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 73

[Senate Bill No. 3009]

### RAPE—FIRST DEGREE—USE OF WHAT APPEARS TO BE DEADLY WEAPON

AN ACT Relating to crimes; and amending section 3, chapter 10, Laws of 1982 as amended by section 11, chapter 192, Laws of 1982 and RCW 9A.44.040.

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

Sec. 1. Section 3, chapter 10, Laws of 1982 as amended by section 11, chapter 192, Laws of 1982 and RCW 9A.44.040 are each amended to read as follows:

(1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person not married to the perpetrator by forcible compulsion where the perpetrator or an accessory:

(a) Uses or threatens to use a deadly weapon or what appears to be a deadly weapon; or

(b) Kidnaps the victim; or

(c) Inflicts serious physical injury; or

(d) Feloniously enters into the building or vehicle where the victim is situated.

(2) Rape in the first degree is a class A felony.

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 March 17, 1983.

Passed the House April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 74

[Substitute Senate Bill No. 3053]

### CONTRACTOR REGISTRATION—FEES

AN ACT Relating to contractor registration; amending section 7, chapter 77, Laws of 1963 as last amended by section 1, chapter 66, Laws of 1977 ex. sess. and RCW 18.27.070; adding a new section to chapter 18.27 RCW; repealing section 42, chapter 99, Laws of 1979 and RCW 43.131.231; repealing section 84, chapter 99, Laws of 1979 and RCW 43.131.232; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 7, chapter 77, Laws of 1963 as last amended by section 1, chapter 66, Laws of 1977 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, twenty dollars.))~~ The department shall charge fees for issuance, renewal, and reinstatement of certificates of registration; and changes of name, address, or business structure. The department shall set the fees by rule.

The fees shall cover the full cost of issuing certificates, filing papers and notices, and administering and enforcing this chapter. The costs shall include reproduction, travel, per diem, and administrative and legal support costs.

NEW SECTION. Sec. 2. There is added to chapter 18.27 RCW a new section to read as follows:

The department may not set a fee higher than fifty dollars for issuing or renewing a certificate of registration.

**NEW SECTION.** Sec. 3. The following acts or parts of acts are each repealed:

- (1) Section 42, chapter 99, Laws of 1979 and RCW 43.131.231; and
- (2) Section 84, chapter 99, Laws of 1979 and RCW 43.131.232.

**NEW SECTION.** Sec. 4. Section 3 of 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 June 29, 1983.

Passed the Senate March 23, 1983.

Passed the House April 15, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 75

[Engrossed Substitute Senate Bill No. 3081]  
**BARBERS—LICENSING**

AN ACT Relating to licensing barbers and men's hairstylists; amending section 2, chapter 75, Laws of 1923 as last amended by section 2, chapter 223, Laws of 1967 and RCW 18.15.020; amending section 6, chapter 75, Laws of 1923 as last amended by section 11, chapter 158, Laws of 1979 and RCW 18.15.050; amending section 7, chapter 101, Laws of 1957 and RCW 18.15.051; amending section 7, chapter 75, Laws of 1923 as last amended by section 6, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.060; amending section 3, chapter 84, Laws of 1959 as last amended by section 12, chapter 158, Laws of 1979 and RCW 18.15.065; amending section 12, chapter 75, Laws of 1923 as last amended by section 11, chapter 223, Laws of 1967 and RCW 18.15.070; amending section 13, chapter 75, Laws of 1923 as last amended by section 4, chapter 16, Laws of 1951 and RCW 18.15.080; amending section 2, chapter 84, Laws of 1959 as last amended by section 8, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.095; amending section 13, chapter 223, Laws of 1967 as last amended by section 9, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.097; amending section 8, chapter 172, Laws of 1901 as last amended by section 10, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.100; amending section 7, chapter 209, Laws of 1929 as last amended by section 9, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.110; [amending] section 4, chapter 101, Laws of 1957 as amended by section 19, chapter 223, Laws of 1967 and RCW 18.15.130; amending section 11, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.210; amending section 12, chapter 148, Laws of 1973 1st ex. sess. as amended by section 12, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.220; amending section 10, chapter 2, Laws of 1983 and RCW 43.24.085; adding new sections to chapter 18.15 RCW; repealing section 38, chapter 99, Laws of 1979 and RCW 43.131.223; repealing section 80, chapter 99, Laws of 1979 and RCW 43.131.224; repealing section 1, chapter 75, Laws of 1923, section 1, chapter 211, Laws of 1927, section 1, chapter 52, Laws of 1957, section 1, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.010; repealing section 2, chapter 75, Laws of 1923, section 1, chapter 209, Laws of 1929, section 1, chapter 199, Laws of 1937, section 1, chapter 51, Laws of 1949, section 1, chapter 16, Laws of 1951, section 2, chapter 223, Laws of 1967, section 3 of this 1983 act and RCW 18.15.020; repealing section 3, chapter 75, Laws of 1923, section 2, chapter 199, Laws of 1937, section 2, chapter 51, Laws of 1949, section 2, chapter 16, Laws of 1951, section 1, chapter 101, Laws of 1957, section 3, chapter 223, Laws of 1967, section 4, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.040; repealing section 3, chapter 148, Laws of 1973 1st ex. sess. and

RCW 18.15.045; repealing section 6, chapter 75, Laws of 1923, section 5, chapter 211, Laws of 1927, section 3, chapter 209, Laws of 1929, section 4, chapter 51, Laws of 1949, section 3, chapter 16, Laws of 1951, section 4, chapter 84, Laws of 1959, section 4, chapter 223, Laws of 1967, section 2, chapter 148, Laws of 1973 1st ex. sess., section 5, chapter 30, Laws of 1975 1st ex. sess., section 11, chapter 158, Laws of 1979, section 4 of this 1983 act and RCW 18.15.050; repealing section 7, chapter 101, Laws of 1957, section 5 of this 1983 act and RCW 18.15.051; repealing section 8, chapter 101, Laws of 1957, section 5, chapter 223, Laws of 1967 and RCW 18.15.052; repealing section 9, chapter 101, Laws of 1957, section 6, chapter 223, Laws of 1967 and RCW 18.15.053; repealing section 10, chapter 101, Laws of 1957 and RCW 18.15.054; repealing section 11, chapter 101, Laws of 1957, section 1, chapter 188, Laws of 1967, section 28, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.15.055; repealing section 12, chapter 101, Laws of 1957, section 8, chapter 223, Laws of 1967 and RCW 18.15.056; repealing section 7, chapter 75, Laws of 1923, section 6, chapter 211, Laws of 1927, section 4, chapter 209, Laws of 1929, section 14, chapter 101, Laws of 1957, section 9, chapter 223, Laws of 1967, section 2, chapter 266, Laws of 1971 ex. sess., section 4, chapter 148, Laws of 1973 1st ex. sess., section 6, chapter 30, Laws of 1975 1st ex. sess., section 6 of this 1983 act and RCW 18.15.060; repealing section 3, chapter 84, Laws of 1959, section 10, chapter 223, Laws of 1967, section 5, chapter 148, Laws of 1973 1st ex. sess., section 7, chapter 30, Laws of 1975 1st ex. sess., section 12, chapter 158, Laws of 1979, section 7 of this 1983 act and RCW 18.15.065; repealing section 12, chapter 75, Laws of 1923, section 9, chapter 211, Laws of 1927, section 11, chapter 223, Laws of 1967, section 8 of this 1983 act and RCW 18.15.070; repealing section 13, chapter 75, Laws of 1923, section 10, chapter 211, Laws of 1927, section 4, chapter 199, Laws of 1937, section 5, chapter 51, Laws of 1949, section 4, chapter 16, Laws of 1951, section 9 of this 1983 act and RCW 18.15.080; repealing section 14, chapter 75, Laws of 1923, section 11, chapter 211, Laws of 1927, section 6, chapter 209, Laws of 1929, section 1, chapter 102, Laws of 1947, section 12, chapter 223, Laws of 1967, section 6, chapter 148, Laws of 1973 1st ex. sess., section 13, chapter 158, Laws of 1979, section 4, chapter 283, Laws of 1981 and RCW 18.15.090; repealing section 2, chapter 84, Laws of 1959, section 14, chapter 223, Laws of 1967, section 8, chapter 30, Laws of 1975 1st ex. sess., section 10 of this 1983 act and RCW 18.15.095; repealing section 5, chapter 283, Laws of 1981 and RCW 18.15.096; repealing section 13, chapter 223, Laws of 1967, section 7, chapter 148, Laws of 1973 1st ex. sess., section 9, chapter 30, Laws of 1975 1st ex. sess., section 11 of this 1983 act and RCW 18.15.097; repealing section 8, chapter 172, Laws of 1901, section 5, chapter 75, Laws of 1923, section 3, chapter 199, Laws of 1937, section 3, chapter 51, Laws of 1949, section 2, chapter 101, Laws of 1957, section 5, chapter 84, Laws of 1959, section 15, chapter 223, Laws of 1967, section 8, chapter 148, Laws of 1973 1st ex. sess., section 10, chapter 30, Laws of 1975 1st ex. sess., section 12 of this 1983 act and RCW 18.15.100; repealing section 7, chapter 209, Laws of 1929, section 6, chapter 51, Laws of 1949, section 6, chapter 84, Laws of 1959, section 16, chapter 223, Laws of 1967, section 9, chapter 148, Laws of 1973 1st ex. sess., section 13 of this 1983 act and RCW 18.15.110; repealing section 15, chapter 75, Laws of 1923, section 17, chapter 223, Laws of 1967 and RCW 18.15.120; repealing section 13, chapter 101, Laws of 1957, section 7, chapter 84, Laws of 1959, section 18, chapter 223, Laws of 1967, section 11, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.125; repealing section 4, chapter 101, Laws of 1957, section 19, chapter 223, Laws of 1967, section 14 of this 1983 act and RCW 18.15.130; repealing section 5, chapter 101, Laws of 1957, section 20, chapter 223, Laws of 1967, section 29, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.15.140; repealing section 6, chapter 101, Laws of 1957, section 21, chapter 223, Laws of 1967 and RCW 18.15.150; repealing section 17, chapter 75, Laws of 1923, section 12, chapter 211, Laws of 1927, section 8, chapter 209, Laws of 1929, section 22, chapter 223, Laws of 1967 and RCW 18.15.160; repealing section 10, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.200; repealing section 11, chapter 148, Laws of 1973 1st ex. sess. section 15 of this 1983 act and RCW 18.15.210; repealing section 12, chapter 148, Laws of 1973 1st ex. sess., section 12, chapter 30, Laws of 1975 1st ex. sess., section 16 of this 1983 act and RCW 18.15.220; repealing section 13, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.230; repealing section 14, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.240; repealing section 15, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.250; repealing section 19, chapter 75, Laws of 1923 and RCW 18.15.900; repealing section 1

of this 1983 act and RCW 18.15....; repealing section 2 of this 1983 act and RCW 18.15....; providing an effective date; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. There is added to chapter 18.15 RCW a new section to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Department" means the department of licensing.
- (2) "Director" means the director of licensing.

**NEW SECTION.** Sec. 2. The department shall conduct a study on the level of regulation required within the cosmetology and barbering industries to protect the public. In conducting this study, the department shall also consider:

- (1) The feasibility of combining the practice of barbering and cosmetology;
- (2) The minimum education and training qualifications required to practice safely; and
- (3) The feasibility of an apprenticeship program.

The department shall meet with all interested parties in the cosmetology and barbering industries, as well as consider the concerns of the general public and the needs of consumers. The department shall report to the legislature no later than January, 1984, and prepare proposed legislation to implement its findings.

Sec. 3. Section 2, chapter 75, Laws of 1923 as last amended by section 2, chapter 223, Laws of 1967 and RCW 18.15.020 are each amended to read as follows:

It shall be unlawful for any person to practice barbering as hereinbefore defined unless he shall first have obtained and holds a valid license to practice barbering in this state, except as follows: ~~((+)) Any student barber holding a valid student barber certificate duly issued under this chapter shall be entitled to study the practice of barbering in any barber school or barber college authorized under this chapter(, and (2) any person holding a valid permit to practice barbering duly issued under this chapter shall be entitled to practice barbering in accordance with the provisions thereof in any barber shop managed and operated by a barber duly licensed to practice barbering in this state)).~~ Likewise, it shall be unlawful for any person, firm or corporation to hire or employ any person to engage in the practice of barbering in this state unless such person then holds a valid license to practice barbering as provided in this chapter, except ~~((as follows: (a)) any barber school or barber college duly authorized under this chapter shall be entitled to grant to any person holding a valid student barber certificate admission to study the practice of barbering ((therein, and (b) any barber duly licensed to practice barbering in this state and managing and operating a barber shop shall be entitled to have therein practicing barbering, under~~

~~his direct personal supervision, one person holding a valid permit to practice barbering duly issued under this chapter: PROVIDED, HOWEVER, That shops regularly employing two or more licensed barbers, two such permittees may be employed, but in no event can more than two such persons practice under the authority of such a valid permit in any barber shop managed and operated by him)).~~

Sec. 4. Section 6, chapter 75, Laws of 1923 as last amended by section 11, chapter 158, Laws of 1979 and RCW 18.15.050 are each amended to read as follows:

Barber examinations shall be held six times in each year in the months of February, April, June, August, October, and December; and on such particular dates, within the said times, and in such particular cities and places as the director ((of licensing)) shall determine. Every applicant for a license ((or permit)) to practice barbering in this state shall be required to take an examination in each branch as follows: (1) Sanitation as applied to the practice of barbering, (2) sterilization as applied to the practice of barbering, (3) and as to whether he has sufficient knowledge of the common contagious and infectious diseases of the face, skin, and scalp, to avoid spreading thereof in the practice of barbering; (4) and as to whether he has sufficient knowledge of the use of chemicals, creams, lotions, and solutions as applied in the practice of barbering; (5) and in any other portion of the curriculum as required by this law; and such applicant shall be required to demonstrate to the barber examining committee his professional skill and ability in performing the following barber services: (1) Haircutting, (2) shaving, (3) massaging, (4) shampooing, and (5) conditioning his barber tools. An applicant must receive a score of not less than seventy-five percent in each branch of the examination in order to pass it.

~~((Any applicant, other than one applying under the provisions of RCW 18.15.040, who secures a passing grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than sixty-five percent of perfect, and possesses the other particular qualifications provided in this chapter, shall be entitled to receive; and the director shall issue to him, a permit to practice barbering in this state. Every person receiving such permit shall be required to serve one and one-half years (eighteen months) under the direct supervision of a licensed barber. A year shall be construed to mean a period of not less than fifty-two weeks consisting of forty hours per week of service by the permittee. He must then pass an examination not less than seventy-five percent of perfect, and demonstrate to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform~~

~~each of the said barber services, not less than seventy-five percent of perfect, and possesses the qualifications required in this chapter, after which the director shall issue to him a license to practice barbering.))~~

Any applicant under the provisions of RCW 18.15.040 who secures a grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than seventy-five percent of perfect, and possesses the other particular qualifications provided in this chapter, shall be entitled to receive, and the director shall issue to him a license to practice barbering in this state, until the first day of July next following the issuance of such license. Every applicant for such license shall pay a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which fee shall accompany his application. The director upon receipt of such application and fee shall notify the applicant of the particular date, city, and place where he is to appear for his examination for a license ((~~or permit~~)) to practice barbering in this state.

Any unsuccessful applicant for a license ((~~or permit~~)) to practice barbering in this state shall be entitled to appear at any subsequent barber examination and be reexamined for a license ((~~or permit, as the case may be,~~)) to practice barbering in this state upon the payment of a reexamination fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and which reexamination fee shall be paid at the time of application for such reexamination, said application and fee to be submitted to the director at least fifteen days prior to an examination date(~~(: PROVIDED, That an unsuccessful applicant for a permit shall return to an approved school or college for an additional two hundred fifty hours of instruction before he may be reexamined))~~).

Any person licensed under chapter 18.15 RCW as a permit barber on the effective date of this act shall be issued a license to practice barbering.

Any person who applies for a license ((~~or permit~~)) to practice barbering under this chapter, and who does not appear for examination at the time, date, and place as notified by the director, shall forfeit application fees, and must reapply with a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which fee shall accompany his new application.

Any person holding a current manager-operator license of this state issued under the provisions of chapter 18.18 RCW shall be deemed qualified to apply to the director to be examined for a license to practice barbering, pursuant to the provisions of this chapter: PROVIDED, That any such applicant who fails said examination must then enroll in a licensed barber school of this state and complete a course of instruction of not less than two hundred fifty hours before applying to be reexamined for a barber license.

The curriculum for such course of instruction shall be determined by the barber examining committee and approved by the director.

Sec. 5. Section 7, chapter 101, Laws of 1957 and RCW 18.15.051 are each amended to read as follows:

Barber examinations shall be conducted by the barber examining committee. The barber examining committee shall consist of five members appointed by the ~~((governor))~~ director, who shall designate one of the committee members to serve ~~((both))~~ as chairman ~~((and secretary))~~.

The first terms for members of the examining committee shall be as follows: One member for five, four, three, two and one years respectively. Thereafter the terms shall be for five years and until their successors are appointed and qualified.

The examining committee shall be under the direct supervision of the director ~~((of licensing))~~.

Members may be removed by the ~~((governor))~~ director for cause.

Any vacancy shall be filled by the ~~((governor))~~ director within ninety days after it occurs by an appointment for the remainder of the unexpired term. No member may serve more than two full terms.

The director shall appoint one staff person from the department to act as executive secretary for the examining committee. The executive secretary shall not have a vote on the examining committee.

The director may, when considered necessary, appoint no more than two alternate members meeting the qualifications set forth in RCW 18.15.052 to perform the examination functions and responsibilities of regularly appointed members if because of unavoidable circumstances the regularly appointed member is unable to attend and participate in a scheduled examination.

Sec. 6. Section 7, chapter 75, Laws of 1923 as last amended by section 6, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.060 are each amended to read as follows:

Every person licensed as a barber ~~((or a permit barber))~~ before the effective date of this 1983 act shall pay an annual license fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, for a license ~~((or permit))~~ renewal certificate on or before the thirtieth day of June each year. After the effective date of this 1983 act, the department shall issue new licenses or renew licenses for a three-year period. Failure to pay the ~~((annual))~~ license ~~((or permit))~~ renewal fees before delinquency shall work a forfeiture of the license ~~((or permit))~~, but the license ~~((or permit))~~ may be renewed within three years thereafter without examination upon application therefor by the ~~((licentiate or permittee))~~ licensee, and payment of a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended plus all lapsed fees. Should the ~~((licentiate or permittee))~~ licensee allow his license ~~((or permit))~~ to elapse for more than three years, he must be reexamined as for a new license ~~((or permit))~~.



Sec. 7. Section 3, chapter 84, Laws of 1959 as last amended by section 12, chapter 158, Laws of 1979 and RCW 18.15.065 are each amended to read as follows:

It shall be unlawful for any firm, corporation, or person to operate a barber shop without a shop location license for each barber shop. Application therefor shall be made to the director (~~(of licensing)~~). Each application for a license shall be accompanied by a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Upon receipt of the application and fee, the director shall issue a shop location license, if the barber shop meets the requirements of this chapter. Each license shall be issued for the shop and persons named in the application. Application for the transfer or assignment of a shop location license shall be upon such form as the director shall prescribe, and application shall be made within ten days of the sale or transfer. Upon the receipt of the application and a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, the director shall assign or transfer the shop location license, if the assignee or transferee and the barber shop meets the requirements of this chapter. If the application for transfer or assignment is not made within ten days, a penalty fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended will be made, prior to issuance of a license.

All licenses issued under this section prior to the effective date of this 1983 act shall expire on the first day of July next succeeding the date of issue. After the effective date of this 1983 act, the department shall issue new licenses or renew licenses for a three-year period. Each such license shall be renewable (~~(annually)~~) on or before the expiration date, and the application for renewal shall be accompanied by a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended. Failure to obtain a renewal before delinquency shall work a forfeiture of the shop location license, but the license may be reinstated at any time after forfeiture upon the payment of the (~~(annual)~~) renewal fee, together with a penalty fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, upon satisfactory inspection.

Sec. 8. Section 12, chapter 75, Laws of 1923 as last amended by section 11, chapter 223, Laws of 1967 and RCW 18.15.070 are each amended to read as follows:

The secretary of the committee shall keep a register in which shall be entered the names of all persons to whom licenses(~~(permits)~~) or students' certificates are issued under this chapter, and said register shall be at all times open for public inspection.

Sec. 9. Section 13, chapter 75, Laws of 1923 as last amended by section 4, chapter 16, Laws of 1951 and RCW 18.15.080 are each amended to read as follows:

It shall be the duty of the holder of any license to practice barbering(~~;~~ permit to practice barbering) or student barber certificate issued under this chapter to post the same in a conspicuous place in front of his working chair, where it may be readily seen by all persons whom he may serve.

Sec. 10. Section 2, chapter 84, Laws of 1959 as last amended by section 8, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.095 are each amended to read as follows:

It shall be unlawful for any firm, corporation, or person to operate a barber school or college without a license for each location. Application therefor shall be made to the director. Each application for a school location license shall be accompanied by a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Upon receipt of the application and fee, the director may issue a location license, if the barber school or college meets the requirements of this chapter. Each license shall be issued for the school or college and persons named in the application and may be transferable, if the transferee meets the requirements of this chapter. Whenever a registered school or barber college is discontinued the person to whom the registration is issued shall notify the director of such action and shall return to the director the certificate of registration of such school or barber college within ten days.

~~((A))~~ Licenses issued under this section prior to the effective date of this 1983 act shall expire on the first day of July next succeeding the date of issue. Each such license shall be renewable annually on or before the expiration date, and the application for renewal shall be accompanied by a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended. After the effective date of this 1983 act, the department shall issue new licenses or renew licenses for a three-year period. Failure to obtain a renewal before delinquency shall work a forfeiture of the location license, but the license may be reinstated at any time after forfeiture upon the payment of the annual renewal fee, together with a penalty fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Sec. 11. Section 13, chapter 223, Laws of 1967 as last amended by section 9, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.097 are each amended to read as follows:

No person shall engage in teaching or instructing in barber schools or colleges without an instructor's license issued by the director. Each applicant for an instructor's license shall submit an application to the director on such forms as he may prescribe, and must comply with the following qualifications: (1) Each applicant must be at least twenty-five years of age; (2) must be of good health; (3) must be of good moral character; (4) ~~((must have had at least five years of experience as a licensed barber of this state in a licensed barber shop of this state immediately preceding application; (5)))~~ must have a current barber license; ~~((6))~~ (5) must have at least a tenth

grade education or be capable of proving an equivalent education as determined by the board for vocational education and local schools; ~~((7))~~ (6) take an examination administered by the examining committee covering such subjects as are usually taught in barber schools and colleges in practical and theory work; ~~((8))~~ (7) such applicant shall be required to demonstrate to the barber examining committee his professional skill and ability in performing all of the barbering services as required by this chapter. Applications for an instructor's license must be made before becoming engaged in teaching or instructing, but applicant may be permitted to engage in teaching or instructing for a period of not more than sixty days, at which time he must present himself for examination. The fee for such license and examination shall be determined by the director as provided in RCW 43.24.085 as now or hereafter amended. Each license shall be renewed on or before July 1st; the renewal fee shall be determined by the director as provided in RCW 43.24.085 as now or hereafter amended. If application for a renewal is not received on or before July 1st, the renewal fee shall include a penalty fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended. After the effective date of this 1983 act, the department shall issue new licenses or renew licenses to instructors for a three-year period. The instructor's license shall stand revoked if not used for a period of two years, and an examination as for a new license will be required before a license will be reissued.

Any person engaged as an instructor or manager-instructor on effective date of this chapter, in a barber school or college of this state, shall be issued a license under this section upon payment of the fees herein prescribed.

Sec. 12. Section 8, chapter 172, Laws of 1901 as last amended by section 10, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.100 are each amended to read as follows:

It shall be unlawful for any person to study the practice of barbering in any barber school or barber college authorized under this chapter unless he shall first have obtained and holds a valid student barber certificate issued pursuant to this chapter. Any person of good moral character, free from contagious or infectious disease, at least eighteen years of age, and showing completion of the tenth grade, or has an equivalent education as determined by the director whose determination shall be conclusive, shall be deemed qualified to make an application for and be entitled to obtain a student barber certificate authorizing him to study the practice of barbering in any barber school or barber college in this state. Application therefor shall be made to the director. Each application shall have attached thereto the certificate of a licensed physician and surgeon that the said applicant is not afflicted with any contagious or infectious disease, and a certificate signed by two reputable citizens living in the community in which the applicant now resides or has recently resided, that he is of good moral character. Each

application shall be accompanied by two signed photographs of the applicant. Every such applicant shall pay a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which fee shall accompany his application. The director upon the receipt of such application and fee shall issue to each qualified applicant a student barber certificate which shall be valid for one year from the date of its issue, and which shall be subject to one renewal thereafter upon the payment of a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended: PROVIDED, That any student barber holding (1) a valid student barber certificate, and (2) a graduation certificate from any barber school or barber college authorized under this chapter shall be deemed qualified to make application (~~for a permit~~) to practice barbering in this state. Application therefor shall be made to the director. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended plus an amount equal to the annual renewal fee, which fee shall accompany his application. The director upon the receipt of such application and fee shall notify the applicant of the particular date, city, and place where he is to appear for his examination (~~for a permit~~) to practice barbering in this state. Failure of applicant to appear for said examination will cause a forfeiture of fees.

Sec. 13. Section 7, chapter 209, Laws of 1929 as last amended by section 9, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.110 are each amended to read as follows:

It shall be unlawful for any barber school or barber college authorized under this chapter to grant admission to or instruct any person in the practice of barbering therein unless such person then holds a valid student barber certificate issued under this chapter. Every such barber school or barber college shall require as a prerequisite to graduation therefrom the completion of a course of instruction and practice therein of not less than one thousand two hundred forty-eight hours, to be completed in not less than eight consecutive months' time nor more than sixteen months' time from the date of the admission of such barber student. Such course of instruction and practice shall include, in addition to the subjects and practice hereinbefore prescribed, instruction in the following subjects: (1) Scientific fundamentals of barbering; (2) histology of the hair, skin and scalp; (3) structure of the head, face and neck; (4) coloring and bleaching the hair; (5) use of chemicals, creams, lotions and solutions as applied in the practice of barbering.

Any basic textbook, or textbooks, may be used in barber schools and colleges, however, a specific textbook (or textbooks) as recommended by the barber examining committee and designated by the director in accordance with the provisions of chapter 34.04 RCW shall be used in the preparation of examinations.

A detailed curriculum approved by the barber examining committee and adopted by the director in accordance with the provisions of chapter 34.04 RCW shall be followed by all barber schools and colleges.

Each student barber upon the satisfactory completion of the said prescribed course of instruction and practice shall be issued a graduation certificate from such barber school or barber college. Each such graduate student shall be furnished a certified copy of his graduation certificate by such barber school or barber college for his use in filing his application ((for a permit)) to practice barbering in this state as hereinbefore provided.

Sec. 14, section 4, chapter 101, Laws of 1957 as amended by section 19, chapter 223, Laws of 1967 and RCW 18.15.130 are each amended to read as follows:

The license(~~(, permit))~~ or student certificate of any barber, instructor, (~~(permittee;))~~ or student may be revoked or suspended for:

- (1) Having been found guilty of any felony, or of any crime involving moral turpitude.
- (2) Habitual drunkenness, or the use of habit forming drugs;
- (3) Having or imparting any infectious or contagious disease;
- (4) Having epilepsy, fits or other disease endangering the life, health, or safety of persons whom he may serve;
- (5) Performing his work in an unsanitary or filthy manner;
- (6) Gross incompetency;
- (7) Any violation of the provisions of this chapter; or
- (8) Any violation of any rule or regulation promulgated pursuant to this chapter.

The location license of any barber shop, school or college may be revoked or suspended for:

- (1) The location being kept in an unsanitary or filthy manner, or
- (2) Any violation of the provisions of this chapter; or any violation of any rule or regulation promulgated pursuant to this chapter.

The operator of any shop, or the manager-instructor of any school or college shall be responsible for the conduct and activities of all barbers, (~~(permittees;))~~ instructors, and students engaged in barbering at such location.

Sec. 15, Section 11, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.210 are each amended to read as follows:

In addition to the practice of barbering any one or any combination of the following practices when done upon the upper part of the human (~~(male))~~ body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment constitutes the practice of men's hairstyling: Straightening, curling, temporary waving, permanent waving, bleaching, or applying chemicals as related to men's hairstyling, or doing similar work

thereon by the use of the hands or any method of mechanical application or appliances.

Sec. 16. Section 12, chapter 148, Laws of 1973 1st ex. sess. as amended by section 12, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.220 are each amended to read as follows:

Any person duly licensed as a barber in this state, and who has satisfactorily completed a course of instruction in the practice of men's hairstyling as approved by the barber examining committee, shall be entitled to make application to be examined for a Washington state men's hairstyling certificate. The fee for such examination and certificate shall be determined by the director as provided in RCW 43.24.085 as now or hereafter amended; and the application and fee shall be submitted to the director at least fifteen days prior to an examination date. Any applicant for a certificate under this chapter who secures a grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the examining committee that he possesses the required professional skill and ability to properly perform each of the said men's hairstyling services, shall be entitled to receive, and the director shall issue to him an official Washington state men's hairstyling certificate, recognizing him as a certified men's hairstylist, and when accompanied by a current barber license of this state, shall entitle him to practice men's hairstyling.

PROVIDED, That persons engaged in the practice of men's hairstyling under this chapter are authorized to perform body waving and permanent waving to the extent necessary to style or arrange the hair (~~on male patrons~~), but persons engaged in the practice of men's hairstyling under this chapter are not authorized to otherwise engage in the practice of cosmetology unless such person is licensed under chapter 18.18 RCW.

Sec. 17. Section 10, chapter 2, Laws of 1983 and RCW 43.24.085 are each amended to read as follows:

It shall be the policy of the state of Washington that the director of licensing shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or registration of professions, occupations, or businesses, administered by the business and professions administration in the department of licensing. In fixing said fees the director shall, insofar as is practicable, fix the fees relating to each profession, occupation, or business in such a manner that the income from each will match the anticipated expenses to be incurred in the administration of the laws relating to each such profession, occupation, or business. All such fees shall be fixed by rule adopted by the director in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW: PROVIDED, That

(1) In no event shall the license or registration renewal fee in the following cases be fixed at an amount in excess of forty dollars:

(a) Auctioneer trainee;

- (b) Barber;
- (c) Student barber;
- (d) Cosmetologist (manager-operator);
- (e) Cosmetologist (operator);
- (f) Cosmetologist (instructor-operator);
- (g) Apprentice embalmer;
- (h) Manicurist;
- (i) Apprentice funeral director;
- (j) Registered nurse;
- (k) Licensed practical nurse;
- (l) ~~((Permit barber;~~
- ~~((~~m~~)))~~ Manicurist (manager-operator);
- ~~((~~m~~)))~~ (m) Animal technician; and

(2) In no event shall the license or registration renewal fee in the following cases be fixed at an amount in excess of fifty dollars:

- (a) Dental hygienist;
- (b) Barber instructor;
- (c) Barber manager instructor;
- (d) Psychologist;
- (e) Embalmer;
- (f) Funeral director;
- (g) Veterinarian;
- (h) Cosmetology shop;
- (i) Barber shop;
- (j) Physician's assistant;
- (k) Osteopathic physician's assistant;
- (l) Certified registered nurse;
- (m) Physical therapist;
- (n) Manicurist shop; and

(3) In no event shall the license or registration renewal fee in the following cases be fixed at an amount in excess of one hundred dollars:

- (a) Architect;
- (b) Dentist;
- (c) Engineer;
- (d) Land surveyor;
- (e) Midwife;
- (f) Podiatrist;
- (g) Chiropractor;
- (h) Drugless therapeutic;
- (i) Osteopathic physician;
- (j) Osteopathic physician and surgeon;
- (k) Physician and surgeon;
- (l) Optometrist;
- (m) Dispensing optician;

- (n) Landscape architect;
  - (o) Nursing home administrator;
  - (p) Hearing aid fitter;
  - (q) Massage operator;
  - (r) Massage business owner/operator;
  - (s) Ocularist; and
- (4) In no event shall the license or registration renewal fee in the following cases be fixed at an amount in excess of three hundred dollars:
- (a) Auctioneer;
  - (b) Engineer corporation;
  - (c) Engineer partnership;
  - (d) Cosmetology school;
  - (e) Barber school;
  - (f) Debt adjuster agency;
  - (g) Debt adjuster branch office;
  - (h) Debt adjuster;
  - (i) Employment agency;
  - (j) Employment agency branch office;
  - (k) Collection agency;
  - (l) Collection agency branch office;
  - (m) Funeral establishment;
  - (n) Massage business.

NEW SECTION. Sec. 18. The following acts or parts of acts are each repealed:

- (1) Section 38, chapter 99, Laws of 1979 and RCW 43.131.223; and
- (2) Section 80, chapter 99, Laws of 1979 and RCW 43.131.224.

NEW SECTION. Sec. 19. The following acts or parts of acts are repealed, effective June 30, 1984:

- (1) Section 1, chapter 75, Laws of 1923, section 1, chapter 211, Laws of 1927, section 1, chapter 52, Laws of 1957, section 1, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.010;
- (2) Section 2, chapter 75, Laws of 1923, section 1, chapter 209, Laws of 1929, section 1, chapter 199, Laws of 1937, section 1, chapter 51, Laws of 1949, section 1, chapter 16, Laws of 1951, section 2, chapter 223, Laws of 1967, section 3 of this 1983 act and RCW 18.15.020;
- (3) Section 3, chapter 75, Laws of 1923, section 2, chapter 199, Laws of 1937, section 2, chapter 51, Laws of 1949, section 2, chapter 16, Laws of 1951, section 1, chapter 101, Laws of 1957, section 3, chapter 223, Laws of 1967, section 4, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.040;
- (4) Section 3, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.045;
- (5) Section 6, chapter 75, Laws of 1923, section 5, chapter 211, Laws of 1927, section 3, chapter 209, Laws of 1929, section 4, chapter 51, Laws of 1949, section 3, chapter 16, Laws of 1951, section 4, chapter 84, Laws of



1959, section 4, chapter 223, Laws of 1967, section 2, chapter 148, Laws of 1973 1st ex. sess., section 5, chapter 30, Laws of 1975 1st ex. sess., section 11, chapter 158, Laws of 1979, section 4 of this 1983 act and RCW 18.15.050;

(6) Section 7, chapter 101, Laws of 1957, section 5 of this 1983 act and RCW 18.15.051;

(7) Section 8, chapter 101, Laws of 1957, section 5, chapter 223, Laws of 1967 and RCW 18.15.052;

(8) Section 9, chapter 101, Laws of 1957, section 6, chapter 223, Laws of 1967 and RCW 18.15.053;

(9) Section 10, chapter 101, Laws of 1957 and RCW 18.15.054;

(10) Section 11, chapter 101, Laws of 1957, section 1, chapter 188, Laws of 1967, section 28, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.15.055;

(11) Section 12, chapter 101, Laws of 1957, section 8, chapter 223, Laws of 1967 and RCW 18.15.056;

(12) Section 7, chapter 75, Laws of 1923, section 6, chapter 211, Laws of 1927, section 4, chapter 209, Laws of 1929, section 14, chapter 101, Laws of 1957, section 9, chapter 223, Laws of 1967, section 2, chapter 266, Laws of 1971 ex. sess., section 4, chapter 148, Laws of 1973 1st ex. sess., section 6, chapter 30, Laws of 1975 1st ex. sess., section 6 of this 1983 act and RCW 18.15.060;

(13) Section 3, chapter 84, Laws of 1959, section 10, chapter 223, Laws of 1967, section 5, chapter 148, Laws of 1973 1st ex. sess., section 7, chapter 30, Laws of 1975 1st ex. sess., section 12, chapter 158, Laws of 1979, section 7 of this 1983 act and RCW 18.15.065;

(14) Section 12, chapter 75, Laws of 1923, section 9, chapter 211, Laws of 1927, section 11, chapter 223, Laws of 1967, section 8 of this 1983 act and RCW 18.15.070;

(15) Section 13, chapter 75, Laws of 1923, section 10, chapter 211, Laws of 1927, section 4, chapter 199, Laws of 1937, section 5, chapter 51, Laws of 1949, section 4, chapter 16, Laws of 1951, section 9 of this 1983 act and RCW 18.15.080;

(16) Section 14, chapter 75, Laws of 1923, section 11, chapter 211, Laws of 1927, section 6, chapter 209, Laws of 1929, section 1, chapter 102, Laws of 1947, section 12, chapter 223, Laws of 1967, section 6, chapter 148, Laws of 1973 1st ex. sess., section 13, chapter 158, Laws of 1979, section 4, chapter 283, Laws of 1981 and RCW 18.15.090;

(17) Section 2, chapter 84, Laws of 1959, section 14, chapter 223, Laws of 1967, section 8, chapter 30, Laws of 1975 1st ex. sess., section 10 of this 1983 act and RCW 18.15.095;

(18) Section 5, chapter 283, Laws of 1981 and RCW 18.15.096;

(19) Section 13, chapter 223, Laws of 1967, section 7, chapter 148, Laws of 1973 1st ex. sess., section 9, chapter 30, Laws of 1975 1st ex. sess., section 11 of this 1983 act and RCW 18.15.097;

(20) Section 8, chapter 172, Laws of 1901, section 5, chapter 75, Laws of 1923, section 3, chapter 199, Laws of 1937, section 3, chapter 51, Laws of 1949, section 2, chapter 101, Laws of 1957, section 5, chapter 84, Laws of 1959, section 15, chapter 223, Laws of 1967, section 8, chapter 148, Laws of 1973 1st ex. sess., section 10, chapter 30, Laws of 1975 1st ex. sess., section 12 of this 1983 act and RCW 18.15.100;

(21) Section 7, chapter 209, Laws of 1929, section 6, chapter 51, Laws of 1949, section 6, chapter 84, Laws of 1959, section 16, chapter 223, Laws of 1967, section 9, chapter 148, Laws of 1973 1st ex. sess., section 13 of this 1983 act and RCW 18.15.110;

(22) Section 15, chapter 75, Laws of 1923, section 17, chapter 223, Laws of 1967 and RCW 18.15.120;

(23) Section 13, chapter 101, Laws of 1957, section 7, chapter 84, Laws of 1959, section 18, chapter 223, Laws of 1967, section 11, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.125;

(24) Section 4, chapter 101, Laws of 1957, section 19, chapter 223, Laws of 1967, section 14 of this 1983 act and RCW 18.15.130;

(25) Section 5, chapter 101, Laws of 1957, section 20, chapter 223, Laws of 1967, section 29, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.15.140;

(26) Section 6, chapter 101, Laws of 1957, section 21, chapter 223, Laws of 1967 and RCW 18.15.150;

(27) Section 17, chapter 75, Laws of 1923, section 12, chapter 211, Laws of 1927, section 8, chapter 209, Laws of 1929, section 22, chapter 223, Laws of 1967 and RCW 18.15.160;

(28) Section 10, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.200;

(29) Section 11, chapter 148, Laws of 1973 1st ex. sess., section 15 of this 1983 act and RCW 18.15.210;

(30) Section 12, chapter 148, Laws of 1973 1st ex. sess., section 12, chapter 30, Laws of 1975 1st ex. sess., section 16 of this 1983 act and RCW 18.15.220;

(31) Section 13, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.230;

(32) Section 14, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.240;

(33) Section 15, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.250;

(34) Section 19, chapter 75, Laws of 1923 and RCW 18.15.900;

(35) Section 1 of this 1983 act and RCW 18.15.....; and

(36) Section 2 of this 1983 act and RCW 18.15.....

**NEW SECTION.** Sec. 20. 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.

**NEW SECTION.** Sec. 21. 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 March 17, 1983.

Passed the House April 14, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 76

[Senate Bill No. 3084]

### INCORPORATION PROCEEDINGS—BOUNDARY REVIEW BOARD— PROPOSAL REVIEW—EXTENSIONS

AN ACT Relating to boundary review boards; and amending section 10, chapter 189, Laws of 1967 as amended by section 1, chapter 220, Laws of 1982 and RCW 36.93.100.

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

Sec. 1. Section 10, chapter 189, Laws of 1967 as amended by section 1, chapter 220, Laws of 1982 and RCW 36.93.100 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within sixty days of the filing of a notice of intention:

(1) The chairman or any three members of the boundary review board files a request for review;

(2) Any governmental unit affected files a request for review;

(3) A petition requesting review is filed and is signed by

(a) five percent of the registered voters residing within the area which is being considered for the proposed action (as determined by the boundary review board in its discretion subject to immediate review by writ of certiorari to the superior court); or

(b) an owner or owners of property consisting of five percent of the assessed valuation within such area.

If a period of sixty days shall elapse without the board's jurisdiction having been invoked as set forth in this section, the proposed action shall be deemed approved.

If a review (~~concerning a proposed incorporation of a city or town~~) of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within one hundred twenty days after the filing of such a

request for review. If this period of one hundred twenty days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the ~~((proposed incorporation))~~ proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the one hundred twenty day period.

Passed the Senate February 3, 1983.

Passed the House April 14, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 77

[Engrossed Senate Bill No. 3097]

### MOTOR VEHICLES—CERTIFICATES OF OWNERSHIP—COUNTY FEES AT TIME OF ISSUANCE

AN ACT Relating to motor vehicles; amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 114, Laws of 1980 and RCW 46.01.140; and amending section 82.12.045, chapter 15, Laws of 1961 as last amended by section 222, chapter 158, Laws of 1979 and RCW 82.12.045.

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

Sec. 1. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 114, Laws of 1980 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, ~~((certificates of ownership;))~~ registration, or the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor, or other agent a fee of one dollar for each application in addition to any other fees required by law ~~((; which fee of one dollar)).~~ Applicants for certificates of ownership shall pay to the director, county auditor, or other agent a fee of three dollars in addition to any other fees required by law. These additional fees, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by ((such)) the agent to defray his expenses in handling the application: PROVIDED, That an agent of the county auditor is entitled to an additional service

charge of one dollar and ~~((fifty))~~ seventy-five cents: PROVIDED FURTHER, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 2. Section 82.12.045, chapter 15, Laws of 1961 as last amended by section 222, chapter 158, Laws of 1979 and RCW 82.12.045 are each amended to read as follows:

In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances: (1) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer; (2) where the application is for the renewal of registration; (3) where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or (4) where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by him on the vehicle in question. The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses. It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon his application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor. Any person wilfully misrepresenting, or failing or refusing to declare upon his application, such value shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as his collection fee the sum of ~~((one))~~ two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within two years after payment of the tax. Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules and regulations as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

Passed the Senate March 16, 1983.

Passed the House April 14, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

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## CHAPTER 78

[Senate Bill No. 3144]

### SPECIAL FUEL USER TRIP PERMITS

AN ACT Relating to special fuels; amending section 11, chapter 175, Laws of 1971 ex. sess. as last amended by section 6, chapter 40, Laws of 1979 and RCW 82.38.100; and prescribing penalties.

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

Sec. 1. Section 11, chapter 175, Laws of 1971 ex. sess. as last amended by section 6, chapter 40, Laws of 1979 and RCW 82.38.100 are each amended to read as follows:

(1) Any special fuel user operating a motor vehicle into this state for commercial purposes may make application for a trip permit in lieu of a special fuel user's license required in RCW 82.38.090 and 82.38.120 which shall be good for a period of ~~((not more than twenty))~~ three consecutive days beginning and ending on the dates specified on the face of the permit issued, and only for the vehicle for which it is issued. ~~((An administrative fee of ten dollars shall be required for each permit issued plus three dollars for each consecutive day covered by such permit.))~~

(2) Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety, signed, and dated by the operator before operation of the vehicle on the public highways

of this state. Correction of data on the permit such as dates, vehicle license number, or vehicle identification number invalidates the permit. A violation of, or a failure to comply with, this subsection is a gross misdemeanor.

(3) For each permit issued, there shall be collected a filing fee of one dollar, an administrative fee of ten dollars, and an excise tax of nine dollars. Such fees and tax shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state and no report of mileage shall be required with respect to such vehicle. Trip permits will not be issued if the applicant has outstanding fuel taxes, penalties or interest owing to the state or has had a special fuel license revoked for cause and the cause has not been removed.

(4) Blank permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department. The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(5) All fees and excise taxes collected by the department for trip permits shall be credited and deposited in the same manner as the special fuel tax collected ((hereunder)) under this chapter and shall not be subject to exchange, refund, or credit.

Passed the Senate March 7, 1983.

Passed the House April 15, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

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## CHAPTER 79

[Senate Bill No. 3165]

### KAHLOTUS TO LIND—STATE ROUTE 21

AN ACT Relating to state route number 21; and amending section 18, chapter 51, Laws of 1970 ex. sess. as amended by section 1, chapter 63, Laws of 1975 and RCW 47.17.085.

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

Sec. 1. Section 18, chapter 51, Laws of 1970 ex. sess. as amended by section 1, chapter 63, Laws of 1975 and RCW 47.17.085 are each amended to read as follows:

A state highway to be known as state route number 21 is established as follows:

Beginning at a junction with state route number 260 in Kahlotus, thence northerly by the most feasible route, crossing state route number 26, and

continuing northerly to a junction with state route number 395 in the vicinity of Lind; also

Beginning at a junction with state route number 395 in the vicinity of Lind, thence northerly by the most feasible route by way of Odessa to a junction with state route number 2 in the vicinity west of Wilbur; also

Beginning at a junction with state route number 2 at Wilbur, thence northerly by the most feasible route to a junction with state route number 20 at Republic; also

Beginning at a junction with state route number 20 east of Republic, thence northeasterly by the most feasible route to the east of Curlew lake by way of Curlew to the international boundary line in the vicinity of Danville.

Passed the Senate February 15, 1983.

Passed the House April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

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CHAPTER 80

[Senate Bill No. 3172]

DRIVERS' LICENSE REVOCATION—FAILURE TO STOP WHEN REQUESTED BY POLICE

AN ACT Relating to motor vehicles; amending section 1, chapter 75, Laws of 1979 ex. sess. as amended by section 25, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.024; and prescribing penalties.

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

Sec. 1. Section 1, chapter 75, Laws of 1979 ex. sess. as amended by section 25, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.024 are each amended to read as follows:

Any driver of a motor vehicle who wilfully fails or refuses to immediately bring his vehicle to a stop and who drives his vehicle in a manner indicating a wanton or wilful disregard for the lives or property of others while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and his vehicle shall be appropriately marked showing it to be an official police vehicle.



The license or permit to drive or any nonresident driving privilege of a person convicted of a violation of this section shall be revoked by the department of licensing.

Passed the Senate March 16, 1983.

Passed the House April 14, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

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## CHAPTER 81

[Substitute Senate Bill No. 3174]

### STATE PATROL CADETS—RETIREMENT SYSTEM SERVICE CREDIT

AN ACT Relating to cadet service instatement for members of the Washington state patrol retirement system; amending section 43.43.120, chapter 8, Laws of 1965 as last amended by section 24, chapter 52, Laws of 1982 1st ex. sess. and RCW 43.43.120; amending section 43.43.130, chapter 8, Laws of 1965 as amended by section 2, chapter 77, Laws of 1980 and RCW 43.43.130; adding a new section to chapter 41.40 RCW; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 43.43.120, chapter 8, Laws of 1965 as last amended by section 24, chapter 52, Laws of 1982 1st ex. sess. and RCW 43.43.120 are each amended to read as follows:

As used in the following sections, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the Washington state patrol retirement system.

(2) "Retirement fund" means the Washington state patrol retirement fund.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Member" means any person included in the membership of the retirement fund.

(5) "Employee" means any commissioned employee of the Washington state patrol.

(6) (a) "Cadet," for a person who became a member of the retirement system after June 12, 1980, is a person who has passed the Washington state patrol's entry-level oral, written, physical performance, and background examinations and is, thereby, appointed by the chief as a candidate to be a commissioned officer of the Washington state patrol.

(b) "Cadet," for a person who became a member of the retirement system before June 12, 1980, is a trooper cadet, patrol cadet, or employee of like classification, employed for the express purpose of receiving the on-the-job training required for attendance at the state patrol academy and for

becoming a commissioned trooper. "Like classification" includes: Radio operators or dispatchers; persons providing security for the governor or legislature; patrolmen; drivers' license examiners; weighmasters; vehicle safety inspectors; central wireless operators; and warehousemen.

(7) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(8) "Regular interest" means interest compounded annually at such rates as may be determined by the director.

(9) "Retirement board" means the board provided for in this chapter.

(10) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(11) "Lieutenant governor" means the lieutenant governor of the state of Washington.

(12) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for seventy or more hours in any given calendar month shall constitute one month of service. An employee who is reinstated in accordance with RCW 43.43.110 shall suffer no loss of service for the period reinstated subject to the contribution requirements of this chapter. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. 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 benefit.

(13) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(14) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(15) "Average final salary" shall mean the average monthly salary received by a member during the member's last two years of service or any consecutive two-year period of service, whichever is the greater, as an employee of the Washington state patrol; or if the member has less than two years of service, then the average monthly salary received by the member during the member's total years of service.

(16) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the director.

(17) Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender.

(18) "Director" means the director of the department of retirement systems.

(19) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(20) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(21) "Contributions" means the deduction from the compensation of each member in accordance with the contribution rates established under RCW 43.43.300.

Sec. 2. Section 43.43.130, chapter 8, Laws of 1965 as amended by section 2, chapter 77, Laws of 1980 and RCW 43.43.130 are each amended to read as follows:

(1) A Washington state patrol retirement fund is hereby established for members of the Washington state patrol which shall include funds created and placed under the management of a retirement board for the payment of retirement allowances and other benefits under the provisions hereof.

(2) Any employee of the Washington state patrol, upon date of commissioning, shall be eligible to participate in the retirement plan and shall start contributing to the fund immediately. Any employee of the Washington state patrol employed by the state of Washington or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington shall receive full credit for such prior service but after that date each new commissioned employee must automatically participate in the fund. If a member shall terminate service in the patrol and later reenter, he shall be treated in all respects as a new employee: **PROVIDED**, That a member who reenters or has reentered service within ten years from the date of his termination, shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions, plus earned interest, which restoration must be completed within four years after resumption of service, be returned to the status of membership he earned at the time of termination.

(3) (a) An employee of the Washington state patrol who becomes a member of the retirement system after June 12, 1980, and who has service as a cadet in the patrol training program may make an irrevocable election to transfer the service to the retirement system. Any member upon making such election shall have transferred all existing service credited in a prior public retirement system in this state for periods of employment as a cadet. Transfer of credit under this subsection is contingent on completion of the transfer of funds specified in subsection (3)(b) of this section.

(b) Within sixty days of notification of a member's cadet service transfer as provided in subsection (3)(a) of this section, the department of retirement systems shall transfer(:

(~~ii~~)) The employee's accumulated contributions attributable to the periods of service as a cadet, including accumulated interest (~~and~~

~~(ii) The employer's accumulated contributions attributable to the periods of service as a cadet, including accumu. and interest).~~

(4) A member of the retirement system who has served or shall serve on active federal service in the armed forces of the United States pursuant to and by reason of orders by competent federal authority, who left or shall leave the Washington state patrol to enter such service, and who within one year from termination of such active federal service, resumes employment as a state employee, shall have his service in such armed forces credited to him as a member of the retirement system: PROVIDED, That no such service in excess of five years shall be credited unless such service was actually rendered during time of war or emergency.

(5)(a) An active employee of the Washington state patrol who either became a member of the retirement system prior to June 12, 1980, and who has prior service as a cadet in the public employees' retirement system may make an irrevocable election to transfer such service to the retirement system within a period ending June 30, 1985, or, if not an active employee on the effective date of this 1983 act, within one year of returning to commissioned service, whichever date is later. Any member upon making such election shall have transferred all existing service credited in the public employees' retirement system which constituted service as a cadet together with the employee's contributions plus credited interest. If the employee has withdrawn the employee's contributions, the contributions must be restored to the public employees' retirement system before the transfer of credit can occur and such restoration must be completed within the time limits specified in this subsection for making the elective transfer.

(b) The department of retirement systems shall make the requested transfer subject to the conditions specified in (a) of this subsection. Employee contributions and credited interest transferred shall be credited to the employee's account in the Washington state patrol retirement system.

NEW SECTION. Sec. 3. There is added to chapter 41.40 RCW a new section to read as follows:

(1) Active members of the Washington state patrol retirement system who have previously established service credit in the public employees' retirement system while employed by the state patrol as a cadet as defined in RCW 43.43.120(6)(b) may have such service credit transferred to the state patrol retirement system subject to the terms and conditions specified in chapter 43.43 RCW, including reestablishment of such service for the sole purpose of transfer. Service reestablishment shall be subject to the interest requirements of RCW 41.40.150(2).

(2) Service credit established for employment other than that specified in subsection (1) of this section is not eligible for transfer.

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 on July 1, 1983.

Passed the Senate March 7, 1983.

Passed the House April 15, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 82

[Engrossed Senate Bill No. 3282]

### MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

AN ACT Relating to the Multistate Highway Transportation Agreement; and creating a new chapter in Title 47 RCW.

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

NEW SECTION. Sec. 1. The Multistate Highway Transportation Agreement is hereby enacted into law and entered into with all other jurisdictions legally joining therein as follows:

#### MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

Pursuant to and in conformity with the laws of their respective jurisdictions, the participating jurisdictions, acting by and through their officials lawfully authorized to execute this agreement, do mutually agree as follows:

#### ARTICLE I

##### Findings and Purposes

**SECTION 1.** Findings. The participating jurisdictions find that:

- (a) The expanding regional economy depends on expanding transportation capacity;
- (b) Highway transportation is the major mode for movement of people and goods in the western states;
- (c) Uniform application in the West of more adequate vehicle size and weight standards will result in a reduction of pollution, congestion, fuel consumption, and related transportation costs, which are necessary to permit increased productivity;
- (d) A number of western states, already having adopted substantially the 1964 Bureau of Public Roads recommended vehicle size and weight standards, still find current federal limits more restrictive;
- (e) The 1974 revision of federal law (23 U.S.C. 127) did not contain any substantial improvements for vehicle size and weight standards in the western states and deprives states of interstate matching money if vehicle weights and widths are increased, even though the interstate system is nearly ninety-two percent complete; and

(f) The participating jurisdictions are most capable of developing vehicle size and weight standards most appropriate for the regional economy and transportation requirements, consistent with and in recognition of principles of highway safety.

SECTION 2. Purposes. The purposes of this agreement are to:

(a) Adhere to the principle that each participating jurisdiction should have the freedom to develop vehicle size and weight standards that it determines to be most appropriate to its economy and highway system;

(b) Establish a system authorizing the operation of vehicles traveling between two or more participating jurisdictions at more adequate size and weight standards;

(c) Promote uniformity among participating jurisdictions in vehicle size and weight standards on the basis of the objectives set forth in this agreement;

(d) Secure uniformity insofar as possible, of administrative procedures in the enforcement of recommended vehicle size and weight standards;

(e) Provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in section 1 of this article.

## ARTICLE II

### Definitions

SECTION 1. As used in this agreement:

(a) "Designated representative" means a legislator or other person authorized to represent the jurisdiction;

(b) "Jurisdiction" means a state of the United States or the District of Columbia;

(c) "Vehicle" means any vehicle as defined by statute to be subject to size and weight standards which operates in two or more participating jurisdictions.

## ARTICLE III

### General Provisions

SECTION 1. Qualifications for Membership. Participation in this agreement is open to jurisdictions which subscribe to the findings, purposes, and objectives of this agreement and will seek legislation necessary to accomplish these objectives.

SECTION 2. Cooperation. The participating jurisdictions, working through their designated representatives, shall cooperate and assist each other in achieving the desired goals of this agreement pursuant to appropriate statutory authority.

SECTION 3. Effect of Headings. Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or section hereof.

**SECTION 4. Vehicle Laws and Regulations.** This agreement shall not authorize the operation of a vehicle in any participating jurisdiction contrary to the laws or regulations thereof.

**SECTION 5. Interpretation.** The final decision regarding interpretation of questions at issue relating to this agreement shall be reached by unanimous joint action of the participating jurisdictions, acting through the designated representatives. Results of all such actions shall be placed in writing.

**SECTION 6. Amendment.** This agreement may be amended by unanimous joint action of the participating jurisdictions, acting through the officials thereof authorized to enter into this agreement, subject to the requirements of section 4, article III. Any amendment shall be placed in writing and become a part hereof.

**SECTION 7. Restrictions, Conditions, or Limitations.** Any jurisdiction entering this agreement shall provide each other participating jurisdiction with a list of any restriction, condition, or limitation on the general terms of this agreement, if any.

**SECTION 8. Additional Jurisdictions.** Additional jurisdictions may become members of this agreement by signing and accepting the terms of the agreement.

#### ARTICLE IV

##### Cooperating Committee

**SECTION 1.** Pursuant to section 2, article III, the designated representatives of the participating jurisdictions shall constitute a committee which shall have the power to:

(a) Collect, correlate, analyze, and evaluate information resulting or derivable from research and testing activities in relation to vehicle size and weight related matters;

(b) Recommend and encourage the undertaking of research and testing in any aspect of vehicle size and weight or related matter when, in their collective judgment, appropriate or sufficient research or testing has not been undertaken;

(c) Recommend changes in law or policy with emphasis on compatibility of laws and uniformity of administrative rules or regulations which would promote effective governmental action or coordination in the field of vehicle size and weight related matters.

**SECTION 2.** Each participating jurisdiction shall be entitled to one vote only. No action of the committee shall be binding unless a majority of the total number of votes cast by participating jurisdictions are in favor thereof.

**SECTION 3.** The committee shall meet at least once annually and shall elect, from among its members, a chairman, a vice-chairman, and a secretary.

SECTION 4. The committee shall submit annually to the legislature of each participating jurisdiction, no later than November 1st, a report setting forth the work of the committee during the preceding year and including recommendations developed by the committee. The committee may submit such additional reports as it deems appropriate or desirable. Copies of all such reports shall be made available to the Transportation Committee of the Western Conference, Council of State Governments, and to the Western Association of State Highway and Transportation Officials.

#### ARTICLE V

##### Objectives of the Participating Jurisdictions

SECTION 1. Objectives. The participating jurisdictions hereby declare that:

(a) It is the objective of the participating jurisdictions to obtain more efficient and more economical transportation by motor vehicles between and among the participating jurisdictions by encouraging the adoption of standards that will, as minimums, allow the operation on all state highways, except those determined through engineering evaluation to be inadequate, with a single-axle weight of 20,000 pounds, a tandem-axle weight of 34,000 pounds, and a gross vehicle or combination weight of that resulting from application of the formula:

$$W = 500 ((LN/N - 1) + 12N + 36)$$

where  $W$  = maximum weight in pounds carried on any group of two or computed to nearest 500 pounds.

$L$  = distance in feet between the extremes of any group of two or more consecutive axles.

$N$  = number of axles in group under consideration.

(b) It is the further objective of the participating jurisdictions that in the event the operation of a vehicle or combination of vehicles according to the provisions of subsection (a) of this section would result in withholding or forfeiture of federal-aid funds pursuant to section 127, title 23, U.S. Code, the operation of such vehicle or combination of vehicles at axle and gross weights within the limits set forth in subsection (a) of this section will be authorized under special permit authority by each participating jurisdiction which could legally issue such permits prior to July 1, 1956, provided all regulations and procedures related to such issuance in effect as of July 1, 1956, are adhered to.

(c) The objectives of subsections (a) and (b) of this section relate to vehicles or combinations of vehicles in regular operation, and the authority of any participating jurisdiction to issue special permits for the movement of any vehicle or combinations of vehicles having dimensions and/or weights in excess of the maximum statutory limits in each participating jurisdiction will not be affected.

(d) It is the further objective of the participating jurisdictions to facilitate and expedite the operation of any vehicle or combination of vehicles



between and among the participating jurisdictions under the provisions of subsection (a) or (b) of this section, and to that end the participating jurisdictions hereby agree, through their designated representatives, to meet and cooperate in the consideration of vehicle size and weight related matters including, but not limited to, the development of: uniform enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to facilitate regional application and administration of vehicle size and weight standards; uniform permit procedures; uniform application forms; rules and regulations for the operation of vehicles, including equipment requirements, driver qualifications, and operating practices; and such other matters as may be pertinent.

(e) In recognition of the limited prospects of federal revision of section 127, title 23, U.S. Code, and in order to protect participating jurisdictions against any possibility of withholding or forfeiture of federal-aid highway funds, it is the further objective of the participating jurisdictions to secure congressional approval of this agreement and, specifically of the vehicle size and weight standards set forth in subsection (a) of this section.

(f) In recognition of desire for a degree of national uniformity of size and weight regulations, it is the further objective to encourage development of broad, uniform size and weight standards on a national basis, and further that procedures adopted under this agreement be compatible with national standards.

## ARTICLE VI

### Entry Into Force and Withdrawal

SECTION 1. This agreement shall enter into force when enacted into law by any two or more jurisdictions. Thereafter, this agreement shall become effective as to any other jurisdiction upon its enactment thereof, except as otherwise provided in section 8, article III.

SECTION 2. Any participating jurisdiction may withdraw from this agreement by canceling the same, but no such withdrawal shall take effect until thirty days after the designated representative of the withdrawing jurisdiction has given notice in writing of the withdrawal to all other participating jurisdictions.

## ARTICLE VII

### Construction and Severability

SECTION 1. This agreement shall be liberally construed so as to effectuate the purposes thereof.

SECTION 2. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any participating jurisdiction or the applicability thereto to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement shall not be affected thereby. If this agreement shall be held contrary to the constitution of any

jurisdiction participating herein, the agreement shall remain in full force and effect as to the jurisdictions affected as to all severable matters.

#### ARTICLE VIII

##### Filing of Documents

SECTION 1. A copy of this agreement, its amendments, and rules or regulations promulgated thereunder and interpretations thereof shall be filed in the highway department in each participating jurisdiction and shall be made available for review by interested parties.

#### ARTICLE IX

##### Existing Statutes Not Repealed

SECTION 1. All existing statutes prescribing weight and size standards and all existing statutes relating to special permits shall continue to be of force and effect until amended or repealed by law.

#### ARTICLE X

##### State Government Departments

##### Authorized to Cooperate with Cooperating Committee

SECTION 1. Within appropriations available therefor, the departments, agencies, and officers of the government of this state shall cooperate with and assist the cooperating committee within the scope contemplated by article IV, section 1 (a) and (b) of the agreement. The departments, agencies, and officers of the government of this state are authorized generally to cooperate with said cooperating committee.

NEW SECTION. Sec. 2. The chairman of the legislative transportation committee shall appoint a delegate and such a alternates as may be appropriate to represent the state on the cooperating committee established by the Multistate Highway Transportation agreement.

Passed the Senate February 12, 1983.

Passed the House April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

### CHAPTER 83

[Engrossed Senate Bill No. 3364]

#### REDUCTION-IN-FORCE—SCHOOL DISTRICT EMPLOYEES—HEARINGS

AN ACT Relating to employees requesting hearings after school districts' notices of nonrenewal of contracts when there is a reduction in force; and amending section 16, chapter 15, Laws of 1970 ex. sess. as last amended by section 4, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.070.

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

Sec. 1. Section 16, chapter 15, Laws of 1970 ex. sess. as last amended by section 4, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.070 are each amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate or other certificate required by law or the state board of education for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law, limited to a term of not more than one year. Every such contract shall be made in triplicate, one copy to be retained by the school district superintendent or secretary, one copy to be retained, after having been approved and registered, by the educational service district superintendent, and one copy to be delivered to the employee thereafter. No contract shall be offered by any board nor approved and registered by the educational service district superintendent for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the 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. Every such employee so notified, at his or her request made in writing and filed with the president, chairman or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.58.455 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.58.455(4) shall occur within ten days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing

is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

This section shall not be applicable to "provisional employees" as so designated in RCW 28A.67.072; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.67.073 shall not be construed as a nonrenewal of contract for the purposes of this section.

Passed the Senate March 3, 1983.

Passed the House April 14, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 84

[Engrossed Senate Bill No. 3588]

### PUBLIC RECORDS—STATE ARCHIVIST DUTIES

AN ACT Relating to the state archivist; and amending section 2, chapter 246, Laws of 1957 as amended by section 1, chapter 115, Laws of 1981 and RCW 40.14.020.

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

Sec. 1. Section 2, chapter 246, Laws of 1957 as amended by section 1, chapter 115, Laws of 1981 and RCW 40.14.020 are each amended to read as follows:

All public records shall be and remain the property of the state of Washington. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed or disposed of, and otherwise managed, only in accordance with the provisions of this chapter. In order to insure the proper management and safeguarding of public records, the division of archives and records management is established in the office of the secretary of state, and, under the administration of the state archivist, who shall have reasonable access to all public records, wherever kept, for purposes of information, surveying, or cataloguing, shall undertake the following functions, duties, and responsibilities:

- (1) To manage the archives of the state of Washington;
- (2) To centralize the archives of the state of Washington, to make them available for reference and scholarship, and to insure their proper preservation;
- (3) To inspect, inventory, catalog, and arrange retention and transfer schedules on all record files of all state departments and other agencies of state government;
- (4) To insure the maintenance and security of all state public records and to establish safeguards against unauthorized removal or destruction;

(5) To establish and operate such state record centers as may from time to time be authorized by appropriation, for the purpose of preserving, servicing, screening and protecting all state public records which must be preserved temporarily or permanently, but which need not be retained in office space and equipment;

(6) To set standards by rule for the durability and permanence of records required by law or for other reasons to be filed and maintained permanently or for very long periods of time by state and local agencies;

(7) To gather and disseminate to interested agencies information on all phases of records management and current practices, methods, procedures, techniques, and devices for efficient and economical management and preservation of records;

~~((7))~~ (8) To operate a central microfilming bureau which will microfilm, at cost, records approved for filming by the head of the office of origin and the archivist; to approve microfilming projects undertaken by state departments and all other agencies of state government; and to maintain proper standards for this work;

~~((8))~~ (9) To maintain necessary facilities for the review of records approved for destruction and for their economical disposition by sale or burning; directly to supervise such destruction of public records as shall be authorized by the terms of this chapter;

(10) To adopt rules under chapter 34.04 RCW to carry out the state archivist's duties under this chapter.

Passed the Senate March 7, 1983.

Passed the House April 14, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

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## CHAPTER 85

[Senate Bill No. 4021]

### INSURANCE PROVIDERS—FINANCIAL STATEMENTS

AN ACT Relating to insurance; and amending section .05.25, chapter 79, Laws of 1947 and RCW 48.05.250.

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

Sec. 1. Section .05.25, chapter 79, Laws of 1947 and RCW 48.05.250 are each amended to read as follows:

(1) Each authorized insurer shall annually, before the first day of March, file with the commissioner a true statement of its financial condition, transactions, and affairs as ~~((at))~~ of the thirty-first day of December preceding. ~~((The statement shall be on forms and shall contain information as required by this code and by the commissioner, and shall be verified by the oaths of at least two of the insurer's principal officers.~~

~~(2) The commissioner shall annually during November and December furnish each such insurer duplicate copies of annual statement forms as next required to be filed:))~~ The statement forms shall be in general form and context as approved by the National Association of Insurance Commissioners for the kinds of insurance to be reported upon, and as supplemented for additional information required by this code and by the commissioner. The statement shall be verified by the oaths of at least two of the insurer's officers.

~~((3))~~ (2) The annual statement of an alien insurer shall relate only to its transactions and affairs in the United States unless the commissioner requires otherwise. The statement shall be verified by the insurer's United States manager or by its officers duly authorized.

~~((4))~~ (3) The commissioner shall suspend or revoke the certificate of authority of any insurer failing to file its annual statement when due or during any extension of time therefor which the commissioner, for good cause, may grant.

Passed the Senate March 22, 1983.

Passed the House April 15, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 86

[Engrossed House Bill No. 25]

### VOCATIONAL REHABILITATION—PLANS—REHABILITATION FIRMS

AN ACT Relating to rehabilitation of injured workers; amending section 3, chapter 63, Laws of 1982 and RCW 51.41.030; amending section 5, chapter 63, Laws of 1982 and RCW 51.41.040; amending section 6, chapter 63, Laws of 1982 and RCW 51.41.060; and declaring an emergency.

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

Sec. 1. Section 3, chapter 63, Laws of 1982 and RCW 51.41.030 are each amended to read as follows:

There is created an office of rehabilitation review within the industrial insurance division of the department of labor and industries. The office shall:

- (1) Establish specific definitions, eligibility criteria, and timetables and procedures for the provision of vocational rehabilitation services;
- (2) Mediate disputes;
- (3) Review and approve or disapprove vocational rehabilitation plans; and
- (4) Establish procedures for registration of rehabilitation counselors or firms employed by the state, public, or private agencies and establish criteria and procedures for removal of registered rehabilitation counselors or

firms from the list for failure to comply with this chapter or the rules and regulations established by the department.

Sec. 2. Section 5, chapter 63, Laws of 1982 and RCW 51.41.040 are each amended to read as follows:

(1) The vocational rehabilitation plan may include modification of the worker's occupation at the time of injury, provisions for alternative work with the same employer, modification of the worker's previous employment with a new employer, direct job placement assistance, on-the-job training, or short-term retraining subject to limitation by RCW 51.32.095. The plan shall define the responsibilities of the worker, employer, and other parties in implementing the plan.

(2) The following order of priorities is preferred in determining suitable gainful employment and developing vocational rehabilitation plans:

(a) Return to the previous job with the same employer;

(b) Modification of the previous job with the same employer including transitional return to work;

(c) A new job with the same employer in keeping with any limitations or restrictions;

(d) Return to the previous job with a new employer;

(e) Modification of the previous job with a new employer;

~~((f))~~ (f) A new job with a new employer or self-employment based upon transferable skills;

~~((ff))~~ (g) A new job with a new employer or self-employment involving on-the-job training;

~~((gt))~~ (h) Short-term retraining and job placement.

Prior to any modification of the order of these priorities, the plan shall first be submitted in writing to the office of rehabilitation review for authorization. In the cases involving return to the previous job with the same employer, modification of the previous job with the same employer, or a new job with the same employer, self-insurers shall submit a written, summary report to the office of vocational rehabilitation review but shall not be required to submit a complete, documented vocational rehabilitation plan.

Sec. 3. Section 6, chapter 63, Laws of 1982 and RCW 51.41.060 are each amended to read as follows:

(1) If a determination of ineligibility is unacceptable to a worker or employer, or if a vocational rehabilitation plan is unacceptable to a worker or employer, the worker or employer may petition the supervisor of industrial insurance to review the decision. The supervisor, or the supervisor's designee, shall render a final decision within thirty days of receipt of the petition for review.

(2) The worker or employer may appeal a final decision of the supervisor, or the supervisor's designee, to the board of industrial insurance appeals for an expedited appeal which shall be heard as provided in this section. Board review of such decisions shall be limited to matters of law. A final

decision rendered within thirty days of the closing of the hearing proceeding, and the procedures relating to recommended decisions and orders, and petitions for review of same, as contained in RCW 51.52.104 and 51.52.106, shall not be applicable to appeals filed under this section. Further appeals taken from the final decision of the board 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 existing or hereafter amended. The department shall have the same right of review of the board's decision as does any other aggrieved party.

(3) For purposes of this section, "expedited appeal" means an appeal filed with the board within fifteen working days after receipt of notice of the decision from the ~~((office of rehabilitation review))~~ supervisor or the supervisor's designee. An expedited appeal shall be heard within thirty calendar days following receipt of (a) the notice of appeal from an aggrieved party, or (b) a legible copy of the records of the office of rehabilitation review, whichever is later. The hearing held under this section shall be recorded and shall be confined to review of the records of the office of rehabilitation review. However, in cases of alleged irregularities in procedure not revealed by the records, testimony concerning such irregularities may be received by the board. The board shall in addition have authority, upon request by the worker or the employer, to hear oral argument and receive written information concerning the matter in dispute.

(4) The board of industrial insurance appeals shall have the authority to make, amend, and rescind in a manner prescribed by chapter 34.04 RCW such rules as may be necessary to carry out this section.

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 House April 13, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 87

[Engrossed House Bill No. 35]

FIRE PROTECTION CONTRACTS—CITIES AND TOWNS—STATE AGENCIES  
AN ACT Relating to cities and towns; and adding a new section to chapter 35.21 RCW.

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

NEW SECTION, Sec. 1. There is added to chapter 35.21 RCW a new section to read as follows:



Nothing contained in RCW 35.21.775 shall prohibit a separate contract for fire protection between a city or town and a state agency if the contractual relationship preceded the enactment of RCW 35.21.775 or if by mutual agreement a city or town and a state agency find that the funding under RCW 35.21.775 is inadequate to compensate the city or town for fire protection services or equipment provided to state facilities.

Passed the House February 4, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

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## CHAPTER 88

[Reengrossed House Bill No. 36]

### SEWER DISTRICT FORMATION—PETITION

AN ACT Relating to sewer district formation; and adding a new section to chapter 56.04 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 56.04 RCW a new section to read as follows:

(1) As an alternative to the methods of formation under RCW 56.04-.030 through 56.04.060, a sewer district may be formed by a petition signed by the owners of at least sixty percent of the property to be included in the proposed district. The petition shall propose the formation of the district, designate the boundaries thereof, and indicate the name of the district. The petition shall be filed with the county auditor, who shall within ten days examine the signatures thereof and certify to the sufficiency or insufficiency. For this purpose, the county auditor shall have access to all registration books in the possession of the officers of any political subdivision in the proposed district. No person having signed such a petition shall be allowed to withdraw his name therefrom after the filing of the petition with the county auditor. If the petition is found to contain a sufficient number of signatures, the county auditor shall forward the petition to the county legislative authority who shall hold a hearing pursuant to RCW 56.02.060. Approval or disapproval of the proposed district shall be as provided in RCW 56.02.070.

(2) The initial commissioners for a district formed under this section shall be elected pursuant to RCW 56.12.020 at the next election held under RCW 29.13.010 following by more than ninety days a determination by the

county auditor that three or more registered voters reside within the boundaries of the district.

Passed the House February 25, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 89

[Substitute House Bill No. 37]

### BREAD—ALLOWABLE MANUFACTURED WEIGHTS

AN ACT Relating to bakery products; amending section 10, chapter 194, Laws of 1927 as last amended by section 1, chapter 61, Laws of 1955 and RCW 19.92.100; and amending section 3, chapter 61, Laws of 1955 and RCW 19.92.110.

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

Sec. 1. Section 10, chapter 194, Laws of 1927 as last amended by section 1, chapter 61, Laws of 1955 and RCW 19.92.100 are each amended to read as follows:

No person shall manufacture for sale, sell or offer or expose for sale, any bread except in the following weights, which shall be the net weights twelve hours after baking: "standard small loaf", which shall weigh not less than fifteen ounces and not more than seventeen ounces; "standard large loaf", which shall weigh not less than twenty-two and one-half ounces and not more than twenty-five and one-half ounces; "standard partial loaf", which shall weigh not less than eight ounces and not more than twelve ounces; or multiples of the foregoing weights for the "standard small loaf" and "standard large loaf": PROVIDED, That variations at the rate of one ounce over and one ounce under the foregoing, per "standard small loaf", or one and one-half ounce over or under per "standard large loaf", or any multiple of the foregoing variations per each multiple type loaf, in the above specified unit weights are permitted in individual loaves, but the average weight of not less than twelve loaves of any one kind of loaf shall not be less than the weight hereinabove prescribed. It shall be unlawful to sell or expose for sale bread in a loaf of such form that it has the appearance and size of a loaf of greater weight.

Sec. 2. Section 3, chapter 61, Laws of 1955 and RCW 19.92.110 are each amended to read as follows:

"Open top" or "hearth" means bread baked in pans or forms the top or top and sides of which are not enclosed.

"Open top" or "hearth bread" shall be baked in pans or forms the length and width of which shall not exceed the following:

"Standard small loaf", length, nine inches, width, four and one-half inches;

"Standard large loaf", length, twelve and one-quarter inches, width, four and one-half inches.

This section does not apply to standard partial loaves of bread or odd-shaped, ethnic, or specialty loaves of bread or to the equipment used to bake such loaves of bread.

Passed the House February 8, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 90

[House Bill No. 59]

### APPRENTICESHIPS—REGISTRATION FEES REMOVED

AN ACT Relating to apprenticeship; and repealing section 1, chapter 39, Laws of 1982 1st ex. sess. and RCW 49.04.075.

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

**NEW SECTION.** Sec. 1. Section 1, chapter 39, Laws of 1982 1st ex. sess. and RCW 49.04.075 are each repealed.

Passed the House March 25, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 91

[Engrossed Substitute House Bill No. 81]

### HERITAGE COUNCIL—OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

AN ACT Relating to historical activities; amending section 3, chapter 134, Laws of 1975 1st ex. sess. as amended by section 13, chapter 195, Laws of 1977 ex. sess. and RCW 27.53-.030; adding a new chapter to Title 27 RCW; adding new sections to chapter 43.131 RCW; recodifying RCW 27.28.021, 27.28.022, and 27.36.020; repealing section 1, chapter 9, Laws of 1979 and RCW 27.28.010; repealing section 2, chapter 177, Laws of 1903 and RCW 27.28.020; repealing section 3, chapter 177, Laws of 1903, section 1, chapter 57, Laws of 1979 ex. sess. and RCW 27.28.030; repealing section 1, chapter 64, Laws of 1915 and RCW 27.28.040; repealing section 2, chapter 9, Laws of 1979 and RCW 27.32-.010; repealing section 2, chapter 187, Laws of 1925 ex. sess., section 2, chapter 35, Laws of 1973 and RCW 27.32.020; repealing section 3, chapter 187, Laws of 1925 ex. sess., section 2, chapter 57, Laws of 1979 ex. sess. and RCW 27.32.030; repealing section 1, chapter 44, Laws of 1941, section 1, chapter 62, Laws of 1965 ex. sess., section 1, chapter 253, Laws of 1981 and RCW 27.36.010; repealing section 2, chapter 253, Laws of 1981 and RCW 27.36.015; repealing section 2, chapter 44, Laws of 1941, section 2, chapter 62, Laws of 1965 ex. sess., section 4, chapter 253, Laws of 1981 and RCW 27.36.030; repealing section 4, chapter 44, Laws of 1941, section 3, chapter 57, Laws of 1979 ex. sess., section 5, chapter 253, Laws of 1981 and RCW 27.36.040; repealing section 5, chapter 44, Laws of 1941, section 3, chapter 62, Laws of 1965 ex. sess., section 16, chapter 75,

Laws of 1977, section 6, chapter 253, Laws of 1981 and RCW 27.36.050; repealing section 4, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.060; repealing section 5, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.070; repealing section 2, chapter 30, Laws of 1899 and RCW 27.40.020; repealing section 3, chapter 160, Laws of 1949, section 3, chapter 47, Laws of 1957 and RCW 27.48.030; repealing section 1, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.010; repealing section 2, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.020; repealing section 3, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.030; repealing section 17, chapter 195, Laws of 1977 ex. sess., section 124, chapter 151, Laws of 1979 and RCW 43.51A.040; repealing section 18, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.050; repealing section 4, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.060; repealing section 5, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.070; repealing section 6, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.080; repealing section 7, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.090; repealing section 8, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.100; repealing section 9, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.110; repealing section 10, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.120; repealing section 11, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.130; repealing section 19, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.140; repealing section 28, chapter 99, Laws of 1979 and RCW 43.131.203; repealing section 70, chapter 99, Laws of 1979 and RCW 43.131.204; repealing section 24, chapter 99, Laws of 1979 and RCW 43.131.195; repealing section 66, chapter 99, Laws of 1979 and RCW 43.131.196; repealing section 25, chapter 99, Laws of 1979 and RCW 43.131.197; repealing section 67, chapter 99, Laws of 1979 and RCW 43.131.198; repealing section 26, chapter 99, Laws of 1979 and RCW 43.131.199; repealing section 68, chapter 99, Laws of 1979 and RCW 43.131.200; repealing section 1 of this act; repealing section 2 of this act; repealing section 3 of this act; repealing section 4 of this act; repealing section 5 of this act; repealing section 6 of this act; repealing section 7 of this act; repealing section 8 of this act; repealing section 9 of this act; repealing section 10 of this act; repealing section 11 of this act; repealing section 12 of this act; repealing section 13 of this act; repealing section 14 of this act; repealing section 15 of this act; repealing section 16 of this act; repealing section 17 of this act; repealing section 18 of this act; repealing section 19 of this act; making an appropriation; providing an effective date; providing expiration dates; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. The legislature finds that those articles and properties which illustrate the history of the state of Washington should be maintained and preserved for the use and benefit of the people of the state. It is the purpose of this chapter to designate the three state historical societies as trustees of the state for these purposes, and to establish:

- (1) A comprehensive and consistent state-wide policy pertaining to archaeology, history, historic preservation, and other historical matters;
- (2) State-wide coordination of historical programs; and
- (3) A coordinated budget for all state historical agencies.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Advisory council" means the advisory council on historic preservation.
- (2) "Federal act" means the national historic preservation act of 1966 (Public Law 89-655; 80 Stat. 915).
- (3) "Heritage council" means the Washington state heritage council.
- (4) "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.

(5) "Office" means the office of archaeology and historic preservation.

(6) "Preservation officer" means the state historic preservation officer as provided for in section 11 of this act.

(7) "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.

(8) "State historical agencies" means the state historical societies and the office of archaeology and historic preservation.

(9) "State historical societies" means the Washington state historical society, the eastern Washington state historical society, and the state capital historical association.

(10) "Cultural resource management plan" means a comprehensive plan which identifies and organizes information on the state of Washington's historic, archaeological, and architectural resources into a set of management criteria, and which is to be used for producing reliable decisions, recommendations, and advice relative to the identification, evaluation, and protection of these resources.

**NEW SECTION.** Sec. 3. There is hereby created the Washington state heritage council. The purposes of the council are to:

(1) Adopt and maintain a state-wide plan pertaining to archaeology, history, historic preservation, and other historical matters;

(2) Monitor implementation of the plan by the state historical agencies and report any deficiencies to the legislature and the governor; and

(3) Review and comment on the budget requests of the state historical agencies based on the state-wide plan.

**NEW SECTION.** Sec. 4. The heritage council shall consist of:

(1) A member of the Washington state historical society nominated by the governing board of the society and confirmed by the governor;

(2) A member of the eastern Washington state historical society nominated by the governing board of the society and confirmed by the governor;

(3) A member of the state capital historical association nominated by the governing board of the association and confirmed by the governor;

(4) The secretary of state; and

(5) Five persons appointed by the governor who are experienced and knowledgeable in historical and archaeological matters.

The council shall elect a chairperson from among its members. The secretary of state shall serve as an ex officio member of the council. The remaining council members shall serve four-year terms except initial

members whose terms shall be as follows: Two members appointed for four years, two members appointed for three years, two members appointed for two years, and two members appointed for one year. Any vacancies shall be filled in the same manner as the original appointments for the balance of the unexpired term. The secretary of state shall serve on the council without additional compensation. All other council members shall serve without compensation but shall be reimbursed for travel expenses incurred in the performance of the duties of the council as provided in RCW 43.03.050 and 43.03.060. The council shall meet at least once a quarter and at the call of the chairperson. Five members of the council shall constitute a quorum.

**NEW SECTION.** Sec. 5. The heritage council shall adopt a state-wide plan under section 3 of this act before July 1, 1984. Before adopting the plan or any amendments to the plan, the council shall consult with the state historical agencies and other historical organizations. The plan shall include but not be limited to the following:

(1) The means by which the state historical agencies shall cooperate with other state agencies;

(2) The means by which the state historical agencies shall provide assistance to local historical organizations;

(3) A collections policy for the three state historical societies;

(4) The means by which historical materials shall be conserved;

(5) The development of historical interpretation, including the promotion and dissemination of Washington state history through exhibits, traveling exhibits, the celebration of significant historical events, publications and presentations in other media, and the use of state library and state archives resources; and

(6) A mechanism for reviewing state appropriations requests from the state historical agencies.

**NEW SECTION.** Sec. 6. Each state historical society shall submit its budget requests to the heritage council for review and comment.

**NEW SECTION.** Sec. 7. (1) Each state historical society is designated a trustee for the state whose powers and duties include but are not limited to the following:

(a) To collect, catalog, preserve, and interpret objects, manuscripts, sites, photographs, and other materials illustrative of the cultural, artistic, and natural history of this state;

(b) To operate state museums and assist and encourage cultural and historical studies and museum interpretive efforts throughout the state, including those sponsored by local historical organizations, and city, county, and state agencies;

(c) To engage in cultural, artistic, and educational activities, including classes, exhibits, seminars, workshops, and conferences if these activities are related to the basic purpose of the society;

(d) To plan for and conduct celebrations of significant events in the history of the state of Washington and to give assistance to and coordinate with state agencies, local governments, and local historical organizations in planning and conducting celebrations;

(e) To create one or more classes of membership in the society;

(f) To engage in the sale of various articles which are related to the basic purpose of the society;

(g) To engage in appropriate fund-raising activities for the purpose of increasing the self-support of the society;

(h) To accept gifts, grants, conveyances, bequests, and devises, of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, invest, or expend the same or the proceeds, rents, profits, and income therefrom except as limited by the donor's terms. The governing boards of the state historical societies shall adopt rules to govern and protect the receipt and expenditure of the proceeds, rents, profits, and income of all such gifts, grants, conveyances, bequests, and devises;

(i) To accept on loan or lend objects of historical interest, and sell, exchange, divest itself of, or refuse to accept, items which do not enhance the collection;

(j) To charge general or special admission fees to its museums or exhibits and to waive or decrease such fees as it finds appropriate; and

(k) To work with the heritage council in developing the plan under section 5 of this act.

(2) All objects, sites, manuscripts, photographs, and all property, including real property, now held or hereafter acquired by the state historical societies shall be held by the societies in trust for the use and benefit of the people of Washington state.

**NEW SECTION.** Sec. 8. The governing board of each state historical society shall appoint its respective director with the consent of the governor. The governor may remove a director for cause or if a majority of the society's governing board votes for removal.

**NEW SECTION.** Sec. 9. All moneys in the account established under RCW 27.36.070, and any moneys appropriated from that account, shall be expended for the purposes of the state capital historical association museum as determined by a majority of the governing board of the state capital historical association.

**NEW SECTION.** Sec. 10. 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. 11. There is hereby established the office of archaeology and historic preservation.

The governor shall appoint the preservation officer, with the consent of the senate, as the director of the office 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. 12. 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 under section 15 of this 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 charge fees for professional and clerical services provided by the office.



(7) To adopt such rules, in accordance with chapter 34.04 RCW, as are necessary to carry out sections 10 through 19 of this act.

**NEW SECTION.** Sec. 13. The preservation officer shall:

(1) Submit the budget requests for the office to the heritage council for review and comment;

(2) 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;

(3) Receive, administer, and disburse such gifts, grants, and endowments from private sources as may be made in trust or otherwise for the purposes of sections 10 through 19 of this act or the federal act; and

(4) Develop and implement a cultural resource management plan.

**NEW SECTION.** Sec. 14. 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. 15. (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 capital 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, except 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, 1993, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 16. The office shall provide administrative and financial services to the advisory council on historic preservation and to the Washington state heritage council.

NEW SECTION. Sec. 17. The advisory 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; and

(2) Review and recommend nominations for the state and national registers of historic places to the preservation officer.

NEW SECTION. Sec. 18. The directors of the state historical societies shall serve as members of the advisory council on historic preservation without additional compensation. All other members of the advisory 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.

NEW SECTION. Sec. 19. The governor may provide facilities and administrative support to the office.

Sec. 20. Section 3, chapter 134, Laws of 1975 1st ex. sess. as amended by section 13, chapter 195, Laws of 1977 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 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 (~~RCW 43.51A.060~~) chapter 27.... RCW (sections 1 through 19 of this 1983 act).

(8) "Office" means the office of archaeology and historic preservation.

NEW SECTION. Sec. 21. Sections 1 through 19 of this act shall constitute a new chapter in Title 27 RCW. RCW 27.28.021, 27.28.022, and 27.36.020 shall be recodified as sections in that new chapter.

NEW SECTION. Sec. 22. There is added to chapter 43.131 RCW a new section to read as follows:

The state capital historical association, the eastern Washington state historical society, the Washington state historical society, the office of archaeology and historic preservation, the advisory council on historic preservation, and the Washington state heritage council, and their powers and duties, shall be terminated on June 30, 1993, as provided in section 23 of this act.

NEW SECTION. Sec. 23. There is added to chapter 43.131 RCW a new section to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1994:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 5 of this act;
- (6) Section 6 of this act;
- (7) Section 7 of this act;
- (8) Section 8 of this act;
- (9) Section 9 of this act;
- (10) Section 10 of this act;
- (11) Section 11 of this act;
- (12) Section 12 of this act;
- (13) Section 13 of this act;
- (14) Section 14 of this act;
- (15) Section 15 of this act;
- (16) Section 16 of this act;
- (17) Section 17 of this act;
- (18) Section 18 of this act; and
- (19) Section 19 of this act.

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 9, Laws of 1979 and RCW 27.28.010;
- (2) Section 2, chapter 177, Laws of 1903 and RCW 27.28.020;

- (3) Section 3, chapter 177, Laws of 1903, section 1, chapter 57, Laws of 1979 ex. sess. and RCW 27.28.030;
- (4) Section 1, chapter 64, Laws of 1915 and RCW 27.28.040;
- (5) Section 2, chapter 9, Laws of 1979 and RCW 27.32.010;
- (6) Section 2, chapter 187, Laws of 1925 ex. sess., section 2, chapter 35, Laws of 1973 and RCW 27.32.020;
- (7) Section 3, chapter 187, Laws of 1925 ex. sess., section 2, chapter 57, Laws of 1979 ex. sess. and RCW 27.32.030;
- (8) Section 1, chapter 44, Laws of 1941, section 1, chapter 62, Laws of 1965 ex. sess., section 1, chapter 253, Laws of 1981 and RCW 27.36.010;
- (9) Section 2, chapter 253, Laws of 1981 and RCW 27.36.015;
- (10) Section 2, chapter 44, Laws of 1941, section 2, chapter 62, Laws of 1965 ex. sess., section 4, chapter 253, Laws of 1981 and RCW 27.36.030;
- (11) Section 4, chapter 44, Laws of 1941, section 3, chapter 57, Laws of 1979 ex. sess., section 5, chapter 253, Laws of 1981 and RCW 27.36.040;
- (12) Section 5, chapter 44, Laws of 1941, section 3, chapter 62, Laws of 1965 ex. sess., section 16, chapter 75, Laws of 1977, section 6, chapter 253, Laws of 1981 and RCW 27.36.050;
- (13) Section 4, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.060;
- (14) Section 5, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.070;
- (15) Section 2, chapter 30, Laws of 1899 and RCW 27.40.020;
- (16) Section 3, chapter 160, Laws of 1949, section 3, chapter 47, Laws of 1957 and RCW 27.48.030;
- (17) Section 24, chapter 99, Laws of 1979 and RCW 43.131.195;
- (18) Section 66, chapter 99, Laws of 1979 and RCW 43.131.196;
- (19) Section 25, chapter 99, Laws of 1979 and RCW 43.131.197;
- (20) Section 67, chapter 99, Laws of 1979 and RCW 43.131.198;
- (21) Section 26, chapter 99, Laws of 1979 and RCW 43.131.199; and
- (22) Section 68, chapter 99, Laws of 1979 and RCW 43.131.200.

**NEW SECTION.** Sec. 25. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.010;
- (2) Section 2, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.020;
- (3) Section 3, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.030;
- (4) Section 17, chapter 195, Laws of 1977 ex. sess., section 124, chapter 151, Laws of 1979 and RCW 43.51A.040;
- (5) Section 18, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.050;
- (6) Section 4, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.060;

(7) Section 5, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.070;

(8) Section 6, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.080;

(9) Section 7, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.090;

(10) Section 8, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.100;

(11) Section 9, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.110;

(12) Section 10, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.120;

(13) Section 11, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.130;

(14) Section 19, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.140;

(15) Section 28, chapter 99, Laws of 1979 and RCW 43.131.203; and

(16) Section 70, chapter 99, Laws of 1979 and RCW 43.131.204.

**NEW SECTION.** Sec. 26. There is appropriated from the general fund to the office of archaeology and historic preservation or its statutory successor, the sum of twenty-two thousand nine hundred sixty dollars, or so much thereof as may be necessary, to support the operations of the heritage council during the 1983-1985 fiscal biennium.

**NEW SECTION.** Sec. 27. 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 June 30, 1983.

Passed the House February 10, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

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CHAPTER 92

[House Bill No. 87]

METROPOLITAN MUNICIPAL CORPORATIONS—SPECIAL PURPOSE  
DISTRICTS—REPRESENTATION

AN ACT Relating to special purpose district representation on metropolitan municipal corporations; and amending section 35.58.120, chapter 7, Laws of 1965 as last amended by section 3, chapter 190, Laws of 1981 and RCW 35.58.120.

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

Sec. 1. Section 35.58.120, chapter 7, Laws of 1965 as last amended by section 3, chapter 190, Laws of 1981 and RCW 35.58.120 are each amended to read as follows:

A metropolitan municipal corporation shall be governed by a metropolitan council composed of the following:

(1) One member (a) who shall be the elected county executive of the central county, or (b) if there shall be no elected county executive, one member who shall be selected by, and from, the board of commissioners of the central county.

(2) One additional member for each county commissioner district or county council district which shall contain fifteen thousand or more persons residing within the metropolitan municipal corporation, who shall be the county commissioner or county councilman from such district;

(3) One additional member selected by the board of commissioners or county council of each component county for each county commissioner district or county council district containing fifteen thousand or more persons residing in the unincorporated portion of such commissioner district lying within the metropolitan municipal corporation each such appointee to be a resident of such unincorporated portion;

(4) One member from each component city which shall have a population of fifteen thousand or more persons, who shall be the mayor of such city, if such city shall have the mayor-council form of government, and in other cities shall be selected by, and from, the mayor and city council of each of such cities.

(5) One member representing all component cities which have less than fifteen thousand population each, to be selected by and from the mayors of such smaller cities in the following manner: The mayors of all such cities shall meet prior to July 1 of each even-numbered year at a time and place to be fixed by the metropolitan council. The chairperson of the metropolitan council shall preside. After nominations are made, successive ballots shall be taken until one candidate receives a majority of all votes cast.

(6) One additional member selected by the city council of each component city containing a population of fifteen thousand or more for each fifty thousand population over and above the first fifteen thousand, such members to be selected from such city council until all councilmen are members and thereafter to be selected from other officers of such city.

(7) For any metropolitan municipal corporation which shall be authorized to perform the function of metropolitan water pollution abatement, ~~((one))~~ two additional members who shall be ~~((a))~~ commissioners of a sewer district or a water district which is operating a sewer system and is a component part of the metropolitan municipal corporation and shall participate only in those council actions which relate to the performance of the function of metropolitan water pollution abatement. The commissioners of all such sewer districts and water districts which are component parts of the

metropolitan municipal corporation shall meet on the first Tuesday of the month following May 21, 1971 and thereafter on the second Tuesday of June of each even-numbered year at seven o'clock p.m. at the office of the board of county commissioners of the central county. After election of a chairman, nominations shall be made to select ((a)) members to serve on the metropolitan council and successive ballots taken for each member until one candidate receives a majority of votes cast. The two members so selected shall not be from districts whose boundaries come within ten miles of each other.

(8) One member, who shall be chairman of the metropolitan council, selected by the other members of the council. The member shall not hold any public office of or be an employee of any component city or component county of the metropolitan municipal corporation.

Passed the House February 16, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 93

[House Bill No. 112]

### WATER WELLS—COMPLAINTS AGAINST CONSTRUCTION

AN ACT Relating to water well construction; and amending section 12, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.120.

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

Sec. 1. Section 12, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.120 are each amended to read as follows:

Any person with an economic or noneconomic interest may make a complaint against any water well contractor or operator for violating ~~((the provisions of))~~ this chapter or any regulations ~~((pursuant hereto))~~ under it to the ~~((pollution control hearings board established pursuant to chapter 43.21B RCW))~~ department of ecology. The complaint shall be in writing, signed by the complainant, and specify the grievances against ~~((said))~~ the licensee ~~((and be accompanied by a ten dollar filing fee)).~~ The department shall respond to the complaint by issuance of an order it deems appropriate. Review of the order shall be subject to the hearings procedures set forth in RCW 18.104.130.

Passed the House February 16, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 94

[Engrossed Substitute House Bill No. 114]

## HEAT SUPPLIERS—DISTRICT HEATING—OPERATING PERMITS—RATES

AN ACT Relating to the regulation of district heating systems and services; adding a new chapter to Title 86 RCW; and providing an expiration date.

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

**NEW SECTION.** Sec. 1. The legislature finds that traditional utility regulation may pose unnecessary barriers to: (1) The widespread and rapid utilization of Washington's geothermal heat resource for district heating purposes; and (2) the efficient use of biomass materials and waste heat sources for district heating purposes. The legislature further finds that regulation may be necessary to protect the interests of the public in securing adequate heating services from these heat sources at reasonable cost. Therefore, it is the intent of the legislature and the purpose of this chapter to provide a streamlined permitting system which will encourage development and efficient utilization and distribution of heat while continuing to provide reasonable customer protections.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Biomass materials" means organic materials that are primarily waste materials and the conversion or use of such materials can be used to generate heat directly.

(2) "Geothermal heat" means the natural thermal energy of the earth.

(3) "Heat" means thermal energy.

(4) "Heat source" includes but is not limited to: (a) Generators of waste heat; (b) geothermal wells or springs; (c) combustion of biomass materials; or (d) collection of solar heat.

(5) "Heat supplier" means any private person, company, association, or corporation engaged or proposing to engage in developing, producing, transmitting, distributing, delivering, furnishing, or selling to or for the public heat from a heat source for any beneficial use other than electricity generation.

(6) "Commission" means the utilities and transportation commission.

(7) "Cogeneration facility" means any machinery, equipment, structure, process, or property, or any part thereof, installed or acquired for the primary purpose of cogeneration by a person or corporation.

(8) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source.

(9) "Waste heat" means the thermal energy released to the environment from an industrial process, electric generation, or other process.



**NEW SECTION.** Sec. 3. Notwithstanding any other provision of law, heat suppliers are not subject to the general jurisdiction of the commission, but are only subject to the limited jurisdiction conferred to the commission by this chapter. Nothing in this chapter prohibits existing regulated public utilities from providing heat from a heat source, as defined in section 2 of this act, and thereby being eligible to seek an operating permit as a heat supplier as provided by this chapter.

**NEW SECTION.** Sec. 4. The commission shall, within one hundred eighty days of the effective date of this act, adopt regulations governing application contents, customer heating service contracts, review procedures, and fees necessary in implementing this chapter. The commission shall set the fees so that total fees collected will approximately equal the reasonable cost of supervising and regulating heat suppliers.

**NEW SECTION.** Sec. 5. Upon application by a heat supplier, the commission shall notify all providers of heating services within the designated service territory of pending application, and shall issue a nonexclusive operating permit to provide heating services within a designated service territory, as proposed by the applicant, if the commission reasonably determines:

(1) The applicant is qualified and financially responsible to provide the services for which the permit is sought;

(2) The applicant's proposed system design is adequate for that purpose; and

(3) The contract to be offered to the applicant's customers substantially complies with the requirements set forth in section 6 of this act.

**NEW SECTION.** Sec. 6. (1) Each heat supplier shall enter into a contract with each customer proposed to be served pursuant to an operating permit.

(2) The terms of the contract, or any renewal, modification, termination, or expiration thereof, to be offered to each customer or class of customers, or representatives thereof, shall be subject to the approval of the commission and shall specify, but not be limited to:

(a) The period of time during which the heating service will be provided;

(b) The rates or the formula for determining rates to be charged during the contract term; and

(c) The adequacy of the service provided during the contract term.

**NEW SECTION.** Sec. 7. In accordance with the purpose of this chapter as set forth in section 1 of this act, commission approval of the rates or rate formula specified in the customer heating service contract shall not be based upon the heat supplier's cost of providing services or its rate of return on investment, but shall be based upon the reasonableness of the proposed rates in relation to the rates charged to customers for comparable heating services such as electric, oil, and natural gas heating otherwise available in

the proposed service territory. Any proposed rate less than eighty percent of the lowest rate of the foregoing services shall be deemed reasonable as a matter of law and shall be approved.

**NEW SECTION.** Sec. 8. The commission shall have continuing jurisdiction to regulate heat suppliers as provided in this chapter to ensure compliance with the terms of any operating permit issued in accordance with this chapter.

**NEW SECTION.** Sec. 9. This chapter expires July 1, 2003, but suppliers may continue to operate under this chapter for ten years from the date of issue of their first operating permit.

**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 8 of this act constitute a new chapter in Title 80 RCW.

Passed the House April 13, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 95

[Substitute House Bill No. 118]

### PESTICIDE REGISTRATION—DEALER LICENSING—APPLE ASSESSMENTS

AN ACT Relating to agriculture; amending section 15.24.090, chapter 11, Laws of 1961 as last amended by section 1, chapter 20, Laws of 1979 and RCW 15.24.090; amending section 7, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.070; amending section 8, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.080; amending section 18, chapter 190, Laws of 1971 ex. sess. as amended by section 27, chapter 182, Laws of 1982 and RCW 15.58.180; amending section 21, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.210; amending section 23, chapter 100, Laws of 1969 ex. sess. and RCW 15.80.520; amending section 17, chapter 249, Laws of 1961 as last amended by section 10, chapter 177, Laws of 1967 and RCW 17.21.170; and amending section 30, chapter 257, Laws of 1945 and RCW 69.04.120.

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

Sec. 1. Section 15.24.090, chapter 11, Laws of 1961 as last amended by section 1, chapter 20, Laws of 1979 and RCW 15.24.090 are each amended to read as follows:

If it appears from investigation by the commission that the revenue from the assessment levied on fresh apples (~~hereunder~~) under this chapter is inadequate to accomplish the purposes of this chapter, the commission shall adopt a resolution setting forth the necessities of the industry, the extent and probable cost of the required research, market promotion, and advertising, the extent of public convenience, interest, and necessity, and probable

revenue from the assessment levied. It shall thereupon increase the assessment to ~~((such))~~ a sum ~~((as shall be))~~ determined by the commission to be necessary for ~~((such))~~ those purposes based upon a rate per one hundred pounds of apples, gross billing weight, shipped in bulk, container, or any style of package ~~((but no increase shall be made prior to adoption of said resolution))~~. An increase ~~((shall))~~ becomes effective sixty days after ~~((such))~~ the resolution is adopted ~~((PROVIDED, That no increase in such assessment shall become effective unless the same))~~ or on any other date provided for in the resolution, but shall be first referred by the commission to a referendum mail ballot by the apple growers of this state conducted under the supervision of the director and be approved by a majority of ~~((such))~~ the growers voting ~~((thereon))~~ on it and also be approved by voting growers who operate more than fifty percent of the acreage voted in the same election ~~((PROVIDED, FURTHER, That))~~. After ~~((such))~~ the mail ballot, if ~~((the same be))~~ favorable to ~~((such))~~ the increase, the commission shall nevertheless exercise its independent judgment and discretion as to whether or not to approve ~~((such))~~ the increase.

Sec. 2. Section 7, chapter 190, Laws of 1971 ex. sess. and RCW 15.58-.070 are each amended to read as follows:

(1) Any person desiring to register a pesticide with the department shall pay to the director an annual registration fee of ~~((ten))~~ twenty dollars for each pesticide registered by the department for such person. All ~~((such))~~ pesticide registrations ~~((shall))~~ expire on December 31<sup>st</sup> of ~~((any one))~~ each year.

(2) Any registration approved by the director and in effect on the 31<sup>st</sup> day of December for which a renewal application has been made and the proper fee paid, ~~((shall))~~ continues in full force and effect until ~~((such time as))~~ the director notifies the applicant that the registration has been renewed, or otherwise denied in accord with the provision of RCW 15.58.110.

Sec. 3. Section 8, chapter 190, Laws of 1971 ex. sess. and RCW 15.58-.080 are each amended to read as follows:

If the renewal of a pesticide registration is not filed ~~((prior to))~~ before January 1<sup>st</sup> of ~~((any one))~~ each year, an additional fee of ~~((five))~~ ten dollars shall be assessed and added to the original fee ~~((and))~~. The additional fee shall be paid by the applicant before the registration renewal for that pesticide shall be issued ~~((PROVIDED, That such additional fee shall not apply if))~~ unless the applicant furnishes an affidavit certifying that he did not distribute ~~((such))~~ the unregistered pesticide during the period of non-registration. The payment of ~~((such))~~ the additional fee is not a bar to any prosecution for doing business without proper registry.

Sec. 4. Section 18, chapter 190, Laws of 1971 ex. sess. as amended by section 27, chapter 182, Laws of 1982 and RCW 15.58.180 are each amended to read as follows:

(1) It ~~((shall be))~~ is unlawful for any person to act in the capacity of a pesticide dealer~~((;))~~ or advertise as~~((;))~~ or assume to act as a pesticide dealer ~~((at any time))~~ without first having obtained an annual license from the director. The license shall expire on the master license expiration date. A license ~~((shall be))~~ is required for each location or outlet located within this state from which ~~((such))~~ pesticides are distributed~~((PROVIDED; That any))~~. A manufacturer, registrant, or distributor who has no pesticide dealer outlet licensed within this state and who distributes such pesticides directly into this state shall obtain a pesticide dealer license for his principal out-of-state location or outlet~~((PROVIDED FURTHER, That))~~, but such licensed out-of-state pesticide dealer ~~((shall be))~~ is exempt from the pesticide dealer manager requirements.

(2) Application for a license shall be accompanied by a ~~((ten))~~ twenty dollar annual license fee and shall be made through the master license system and shall include the full name of the person applying for ~~((such))~~ the license and the name of the individual within the state designated as the pesticide dealer manager. If ~~((such))~~ the applicant is a partnership, association, corporation, or organized group of persons, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. ~~((Such))~~ The application shall further state the principal business address of the applicant in the state and elsewhere, the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director.

(3) It ~~((shall be))~~ is unlawful for any licensed dealer outlet to operate without a pesticide dealer manager who has a license of qualification. The department shall be notified forthwith of any change in the pesticide dealer manager designee during the licensing period.

(4) ~~((Provisions of))~~ This section ~~((shall))~~ does not apply to (a) a licensed pesticide applicator who sells pesticides only as an integral part of his pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide application~~((;))~~, or (b) any federal, state, county, or municipal agency ~~((which))~~ that provides pesticides only for its own programs.

Sec. 5. Section 21, chapter 190, Laws of 1971 ex. sess. and RCW 15-.58.210 are each amended to read as follows:

No individual ~~((shall))~~ may perform services as a pest control consultant ~~((after February 28, 1973;))~~ without ~~((first))~~ obtaining from the director an annual license, which license shall expire on the final day of February of each year. Application for a license shall be on a form prescribed by the director and shall be accompanied by a fee of ~~((ten))~~ twenty dollars~~((PROVIDED, That))~~. Licensed pesticide applicators and operators; employees of federal, state, county, or municipal agencies when acting in their official

capacities; and pesticide dealer managers and employees working under the direct supervision of the pesticide dealer manager and only at a licensed pesticide dealer's outlet, ~~((shall be))~~ are exempt from this licensing provision.

Sec. 6. Section 23, chapter 100, Laws of 1969 ex. sess. and RCW 15-80.520 are each amended to read as follows:

Certification of weights shall be made by means of an impression seal, the impress of which shall be placed by the weighmaster or weigher making the weight determination upon the weights shown on the weight tickets. The impression seal shall be procured from the director upon the payment of ~~((an annual))~~ a fee of five dollars, and such fee shall accompany the applicant's application for a weighmaster's license. ~~((Such))~~ The seal shall be retained by the weighmaster upon payment of an annual renewal fee of five dollars, and the fee shall accompany the annual renewal application for a weighmaster's license. Any replacement seal needed shall be procured from the director upon payment to the department of the cost for such replacement. An impression seal shall be used only at the scale to which it is assigned, and ~~((shall))~~ remains the property of the state and shall be returned forthwith to the director upon the termination, suspension, or revocation of the weighmaster's license.

Sec. 7. Section 17, chapter 249, Laws of 1961 as last amended by section 10, chapter 177, Laws of 1967 and RCW 17.21.170 are each amended to read as follows:

The amount of the surety bond or liability insurance as provided for in RCW 17.21.160 shall be not less than ~~((twenty-five))~~ fifty thousand dollars for property damage and public liability insurance, each separately, and including loss or damage arising out of the actual use of any pesticide. ~~((Such))~~ The surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified ten days ~~((prior to))~~ before any reduction at the request of the applicant or cancellation of ~~((such))~~ the surety bond or liability insurance by the surety or insurer~~((: PROVIDED, That))~~. The total and aggregate of the surety and insurer for all claims ~~((shall be))~~ is limited to the face of the bond or liability insurance policy~~((: PROVIDED, FURTHER, That))~~. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding ~~((five hundred dollars for aerial applicators and two hundred and fifty))~~ five thousand dollars for all ~~((other))~~ applicators for the total amount of liability insurance or surety bond required ~~((herein: AND PROVIDED FURTHER, That))~~ by this section, but if the applicant has not satisfied the requirement of the deductible amount in any prior legal claim ~~((such))~~ the deductible clause shall not be accepted by the director unless ~~((such))~~ the applicant furnishes the director with a surety bond or liability insurance which shall

satisfy the amount of the deductible as to all claims that may arise in his application of pesticides.

Sec. 8. Section 30, chapter 257, Laws of 1945 and RCW 69.04.120 are each amended to read as follows:

When the director has embargoed an article, he shall, forthwith and without delay and in no event later than ~~((ten))~~ twenty days after the affixing of notice of its embargo, petition the superior court for an order affirming ~~((such))~~ the embargo. ~~((Such))~~ The court ~~((shall))~~ then ~~((have))~~ has jurisdiction, for cause shown and after prompt hearing to any claimant of ~~((such))~~ the embargoed article, to issue an order which directs the removal of ~~((such))~~ the embargo or the destruction or the correction and release of ~~((such))~~ the article. An order for destruction or correction and release shall contain such provision for the payment of pertinent court costs and fees and administrative expenses(;) as is equitable and which the court deems appropriate in the circumstances. An order for correction and release may contain such provision for a bond(;) as the court finds indicated in the circumstances.

Passed the House February 8, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 96

[Engrossed House Bill No. 153]

### CAMPAIGN FUNDS—TRANSFERS—REPORTING

AN ACT Relating to reporting transfer of funds by political committees or candidates; and amending section 9, chapter 1, Laws of 1973 as last amended by section 7, chapter 147, Laws of 1982 and RCW 42.17.090.

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

Sec. 1. Section 9, chapter 1, Laws of 1973 as last amended by section 7, chapter 147, Laws of 1982 and RCW 42.17.090 are each amended to read as follows:

(1) Each report required under RCW 42.17.080 (1) and (2), as now or hereafter amended, 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 five 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 of less than twenty-five 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. Information regarding the following shall be contained in a separate category of the report bearing the title "Transfer of funds": Contributions made from the campaign depository of one candidate to the campaign of another candidate; and contributions received by a candidate, or for the campaign of the candidate, from the campaign depository of another candidate;

(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 fifty 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 RCW 42.17.095 of any surplus 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 ten 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 in the aggregate of twenty-five dollars or more to the nonreporting committee during the current calendar year, 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. A nonreporting committee incurring an obligation to file additional reports in a calendar year may satisfy the obligation by filing with the commission a letter providing updating or amending information.

(2) The campaign treasurer and the candidate shall certify the correctness of each report.

Passed the House February 25, 1983.

Passed the Senate April 14, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 97

[Engrossed House Bill No. 175]

### INDUSTRIAL INSURANCE—DEFINITION OF WORKER— CONTRACTORS—EMPLOYEES OF CONTRACTORS

AN ACT Relating to industrial insurance; and amending section 51.08.180, chapter 23, Laws of 1961 as last amended by section 1, chapter 80, Laws of 1982 and RCW 51.08.180.

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

Sec. 1. Section 51.08.180, chapter 23, Laws of 1961 as last amended by section 1, chapter 80, Laws of 1982 and RCW 51.08.180 are each amended to read as follows:

(1) "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: PROVIDED, That a person is not a worker for the purpose of this title, with respect to his or her activities attendant to operating a truck which he or she owns, and which is leased to a common or contract carrier.

(2) For the purposes of this title, any person, firm, or corporation currently engaging in a business which is registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW is not a worker when:

~~((1))~~ (a) Contracting to perform work for any contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW;

~~((2))~~ (b) The person, firm, or corporation has a principal place of business which would be eligible for a business deduction for internal revenue service tax purposes other than that furnished by the contractor for which the business has contracted to furnish services;

~~((3))~~ (c) The person, firm, or corporation maintains a separate set of books or records that reflect all items of income and expenses of the business; and

~~((4))~~ (d) The work which the person, firm, or corporation has contracted to perform is:

~~((a))~~ (i) The work of a contractor as defined in RCW 18.27.010; or

~~((b))~~ (ii) The work of installing wires or equipment to convey electric current or installing apparatus to be operated by such current as it pertains to the electrical industry as described in chapter 19.28 RCW.

(3) Any person, firm or corporation registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW including those performing work for any contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW is a worker when the contractor supervises or controls the means by which the result is accomplished or the manner in which the work is performed.

Passed the House March 21, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

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## CHAPTER 98

[Substitute House Bill No. 241]

### JUVENILES—COUNTY OR DSHS DETENTION—EDUCATION

AN ACT Relating to education for juveniles and juvenile offenders; amending section 13, chapter 160, Laws of 1913 as amended by section 1, chapter 121, Laws of 1945 and RCW 13.04.135; adding a new section to chapter 13.04 RCW; 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. Sec. 1. There is added to chapter 13.04 RCW a new section to read as follows:

A program of education shall be provided for by the several counties and school districts of the state for common school age persons confined in each of the detention facilities staffed and maintained by the several counties of the state under this chapter and chapters 13.16 and 13.20 RCW. The division of duties, authority, and liabilities of the several counties and school districts of the state respecting the educational programs is the same in all respects as set forth in RCW 28A.58.772 through 28A.58.778 respecting programs of education for state residential school residents. For the purposes of this section, the terms "department of social and health services," "residential school" or "schools," and "superintendent or chief administrator of a residential school" as used in RCW 28A.58.772 through 28A.58.778 shall be respectively construed to mean "the several counties of the state," "detention facilities," and "the administrator of juvenile court detention services." Nothing in this section shall prohibit a school district from utilizing the services of an educational service district subject to RCW 28A.21.086.

Sec. 2. Section 13, chapter 160, Laws of 1913 as amended by section 1, chapter 121, Laws of 1945 and RCW 13.04.135 are each amended to read as follows:

Counties containing more than fifty thousand inhabitants shall, and counties containing a lesser number of inhabitants may, provide and maintain at public expense, a detention room or house of detention, separated or removed from any jail, or police station, to be in charge of a matron, or other person of good character, wherein all children within the provisions of this chapter shall, when necessary, be sheltered (~~(; and in all counties maintaining a detention home, as herein provided, the county commissioners, together with the directors of any school district or districts, may establish in connection therewith a truant school for the purpose of affording a place of confinement, discipline, instruction and maintenance of children of compulsory school age, who may be committed thereto on such terms and conditions as may be agreed upon between the commissioners and the directors of such school district or districts)~~).

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:

A program of education shall be provided for by the department of social and health services and the several school districts of the state for common school age persons who have been admitted to facilities staffed and maintained by the department of social and health services for the education and treatment of juveniles who have been diverted or who have been found to have committed a juvenile offense. The division of duties, authority, and liabilities of the department of social and health services and the several school districts of the state respecting the educational programs shall

be the same in all respects as set forth in RCW 28A.58.772 through 28A.58.778 respecting programs of education for state residential school residents. For the purposes of this section, the term "residential school" or "schools" as used in RCW 28A.58.772 through 28A.58.778 shall be construed to mean a facility staffed and maintained by the department of social and health services for the education and treatment of juvenile offenders on probation or parole. Nothing in this section shall prohibit a school district from utilizing the services of an educational service district subject to RCW 28A.21.086.

Passed the House March 9, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 99

[Engrossed Substitute House Bill No. 263]

### LOCAL GOVERNMENT TAX IMPOSITION, ALTERATION OR REPEAL— REFERENDUM PROCEDURES

AN ACT Relating to local government finance; amending section 3, chapter 49, Laws of 1982 1st ex. sess. and RCW 35.21.865; amending section 4, chapter 49, Laws of 1982 1st ex. sess. and RCW 35.21.870; amending section 21, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.14.200; amending section 6, chapter 134, Laws of 1972 ex. sess. as last amended by section 7, chapter 49, Laws of 1982 1st ex. sess. and RCW 35.21.710; adding a new section to chapter 35.21 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.46 RCW; repealing section 9, chapter 49, Laws of 1982 1st ex. sess. and RCW 35.21.705; repealing section 19, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.14.035; repealing section 12, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.020; and declaring an emergency.

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

Sec. 1. Section 21, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.14.200 are each amended to read as follows:

There is created in the state general fund a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.150(2). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (5) and (6) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the county sales and use tax equalization account. The

distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (5) and (6) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Revenues distributed under this section in any calendar year shall not exceed an amount equal to seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsection (3) or (4) of this section cannot be made because of this limitation, then distributions under subsection (3) or (4) of this section shall be reduced ratably among the qualifying counties.

(6) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsection (3) or (4) of this section, then the distributions under subsection (3) or (4) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) and (4) of this section to the counties.

(7) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (4) of this section, then the additional revenues shall be credited and transferred to the state general fund.

NEW SECTION, Sec. 2. There is added to chapter 82.14 RCW a new section to read as follows:

Any referendum petition to repeal a county or city ordinance imposing a tax or altering the rate of the tax authorized under RCW 82.14.030(2) shall be filed with a filing officer, as identified in the ordinance, within seven days of passage of the ordinance. Within ten days, the filing officer shall confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure results in the tax or tax rate increase being imposed and a negative answer to the question and a negative vote on the measure results in the tax or tax rate increase not being imposed. The petitioner shall be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner shall have thirty days in which to secure on petition forms the signatures of not less than fifteen percent of the registered voters of the county for county measures, or not less than fifteen percent of the registered voters of the city for city measures, and to file the

signed petitions with the filing officer. Each petition form shall contain the ballot title and the full text of the measure to be referred. The filing officer shall verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the filing officer shall submit the referendum measure to the county or city voters at a general or special election held on one of the dates provided in RCW 29.13.010 as determined by the county legislative authority or city council, which election shall not take place later than one hundred twenty days after the signed petition has been filed with the filing officer.

After the effective date of this act, the referendum procedure provided in this section shall be the exclusive method for subjecting any county or city ordinance imposing a tax or altering the rate under RCW 82.14.030(2) to a referendum vote.

Any county or city tax authorized under RCW 82.14.030(2) that has been imposed prior to the effective date of this act is not subject to the referendum procedure provided for in this section.

NEW SECTION. Sec. 3. There is added to chapter 82.46 RCW a new section to read as follows:

Any referendum petition to repeal a county or city ordinance imposing a tax or altering the rate of the tax authorized under RCW 82.46.010(2) shall be filed with a filing officer, as identified in the ordinance, within seven days of passage of the ordinance. Within ten days, the filing officer shall confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure results in the tax or tax rate increase being imposed and a negative answer to the question and a negative vote on the measure results in the tax or tax rate increase not being imposed. The petitioner shall be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner shall have thirty days in which to secure on petition forms the signatures of not less than fifteen percent of the registered voters of the county for county measures, or not less than fifteen percent of the registered voters of the city for city measures, and to file the signed petitions with the filing officer. Each petition form shall contain the ballot title and the full text of the measure to be referred. The filing officer shall verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the filing officer shall submit the referendum measure to the county or city voters at a general or special election held on one of the dates provided in RCW 29.13.010 as determined by the county legislative authority or city council, which election shall not take place later than one hundred twenty days after the signed petition has been filed with the filing officer.

After the effective date of this act, the referendum procedure provided for in this section shall be the exclusive method for subjecting any county or city ordinance imposing a tax or increasing the rate under RCW 82.46.010(2) to a referendum vote.

Any county or city tax authorized under RCW 82.46.010(2) that has been imposed prior to the effective date of this act is not subject to the referendum procedure provided for in this section.

Sec. 4. Section 3, chapter 49, Laws of 1982 1st ex. sess. and RCW 35-.21.865 are each amended to read as follows:

No city or town may ~~((increase))~~ change the rate of tax it imposes on the privilege of conducting an electrical energy, natural gas, or telephone business which ~~((increase))~~ change applies to business activities occurring before the effective date of the ~~((increase))~~ change, and no rate change may take effect before the expiration of sixty days following the enactment of the ordinance establishing the change except as provided in RCW 35.21.870.

Sec. 5. Section 4, chapter 49, Laws of 1982 1st ex. sess. and RCW 35-.21.870 are each amended to read as follows:

(1) ~~((Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess.,))~~ No city or town may impose a tax on the privilege of conducting an electrical energy, natural gas, or telephone business at a rate which exceeds six percent unless the rate is first approved by a majority of the voters of the city or town voting on ((the)) such a proposition.

(2) ~~((Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess.,))~~ If a city or town is imposing a rate of tax under subsection (1) of this section in excess of six percent on April 20, 1982, the city or town shall decrease the rate to a rate of six percent or less by reducing the rate each year on or before November 1st by ordinances to be effective on January 1st of the succeeding year, by an amount equal to ~~((the lesser of (a) the weighted average increase in utility rates for the period beginning October 1st of the previous year and ending September 30th of the current year less the increase in the Seattle All-Urban Consumer Price Index for the same period, multiplied by the then current tax rate or (b) one-fifth))~~ one-tenth the difference between the tax rate on April 20, 1982, and six percent. ~~((If the amount determined under (b) of this subsection is less than the amount determined under (a) of this subsection, then one-half of the difference between the amounts determined under (a) and (b) of this subsection shall be added to the amount determined under (a) of this subsection in the following year.~~

~~As used in this subsection, "weighted average increase in utility rates" means the percentage increase in utility revenues for each utility expected from application of increases in rates based on the previous year's revenues and service areas within each city or town:))~~

Nothing in this subsection prohibits a city or town from reducing its rates by amounts greater than the amounts required in this subsection.

Voter approved rate increases under subsection (1) of this section shall not be included in the computations under this subsection.

NEW SECTION. Sec. 6. There is added to chapter 35.21 RCW a new section to read as follows:

Every city and town first imposing a business and occupation tax or increasing the rate of the tax after the effective date of this section shall provide for a referendum procedure to apply to an ordinance imposing the tax or increasing the rate of the tax. This referendum procedure shall specify that a referendum petition may be filed within seven days of passage of the ordinance with a filing officer, as identified in the ordinance. Within ten days, the filing officer shall confer with the petitioner concerning form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the designated local official. The petitioner shall have thirty days in which to secure the signatures of not less than fifteen percent of the registered voters of the city, as of the last municipal general election, upon petition forms which contain the ballot title and the full text of the measure to be referred. The filing officer shall verify the sufficiency of the signatures on the petition and, if sufficient valid signatures are properly submitted, shall certify the referendum measure to the next election ballot within the city or at a special election ballot as provided pursuant to RCW 35.17.260(2).

This referendum procedure shall be exclusive in all instances for any city ordinance imposing a business and occupation tax or increasing the rate of the tax and shall supersede the procedures provided under chapters 35.17 and 35A.11 RCW and all other statutory or charter provisions for initiative or referendum which might otherwise apply.

Sec. 7. Section 6, chapter 134, Laws of 1972 ex. sess. as last amended by section 7, chapter 49, Laws of 1982 1st ex. sess. and RCW 35.21.710 are each amended to read as follows:

Any city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales, shall impose such tax at a single uniform rate upon all such business activities. The taxing authority granted to cities for taxes upon business activities measured by gross receipts or gross income from sales shall not exceed a rate of .0020; except that any city with an adopted ordinance at a higher rate, as of January 1, 1982 shall be limited to a maximum increase of ten percent of the January 1982 rate, not to exceed an annual incremental increase of two percent of current rate: PROVIDED, That any adopted ordinance which classifies according to different types of business or services shall be subject to both the ten percent and the two percent annual incremental increase limitation on each tax rate: PROVIDED FURTHER, That all surtaxes on



business and occupation classifications in effect as of January 1, 1982, shall expire no later than December 31, 1982, or by expiration date established by local ordinance. Cities which impose a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales shall be required to submit an annual report to the (~~department of revenue~~) state auditor identifying the rate established and the revenues received from each fee or tax. This section shall not apply to any business activities subject to the tax imposed by chapter 82.16 RCW. For purposes of this section, the providing to consumers of competitive telephone service, as defined in RCW 82.16.010, shall be deemed to be the retail sale of tangible personal property.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 9, chapter 49, Laws of 1982 1st ex. sess. and RCW 35.21.705;

(2) Section 19, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.14-.035; and

(3) Section 12, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.020.

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.

NEW SECTION. Sec. 10. If any provision of this act or chapter 49, Laws of 1982 1st ex. sess. or their application to any person or circumstance is held invalid, the remainder of these acts or the application of the provision to other persons or circumstances is not affected.

Passed the House March 10, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 100

[Engrossed House Bill No. 305]

### PROFESSIONAL SERVICE CORPORATIONS—HEALTH CARE PROFESSIONALS

AN ACT Relating to professional service corporations; and amending section 5, chapter 122, Laws of 1969 and RCW 18.100.050.

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

Sec. 1. Section 5, chapter 122, Laws of 1969 and RCW 18.100.050 are each amended to read as follows:

An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional services within this state may organize and become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of Title 23A RCW for the purpose of rendering professional service: PROVIDED, That one or more of such legally authorized individuals shall be the incorporators of such professional corporation: PROVIDED FURTHER, That notwithstanding any other provision of this chapter, registered architects and registered engineers may own stock in and render their individual professional services through one professional service corporation: AND PROVIDED FURTHER, That licensed health care professionals, providing services to enrolled participants either directly or through arrangements with a health maintenance organization registered under chapter 48.46 RCW or federally qualified health maintenance organization, may own stock in and render their individual professional services through one professional service corporation.

Passed the House March 29, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 101

[Substitute House Bill No. 323]

### PUBLIC UTILITY DISTRICTS—TERRITORY ANNEXATION

AN ACT Relating to annexation by 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. Sec. 1. There is added to chapter 54.04 RCW a new section to read as follows:

In addition to other powers authorized in Title 54 RCW, public utility districts may annex territory as provided in this section.

The boundaries of a public utility district may be enlarged and new contiguous territory added pursuant to the procedures for annexation by cities and towns provided in RCW 35.13.015 through 35.13.160. The provisions of these sections concerning community municipal corporations, review boards, and comprehensive plans, however, do not apply to public utility district annexations. For purposes of conforming with such procedures, the public utility district is deemed to be the city or town and the board of commissioners is deemed to be the city or town legislative body.

Annexation procedures provided in this section may only be used to annex territory, not located in another public utility district, that is both: (1) Contiguous to the annexing public utility district; and (2) located within the service area of the annexing public utility district. As used in this section, a

public utility district's "service area" means those areas located outside of the annexing public utility district's boundaries that are generally served with electrical energy by the annexing public utility district. Such service area may, or may not, be recognized in an agreement made under chapter 54.48 RCW, but such service area shall not be provided with electrical energy by another public utility as defined in RCW 54.48.010. An area proposed to be annexed may be located in the same or a different county as the annexing public utility district.

Passed the House March 22, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 102

[Engrossed House Bill No. 357]

### ANIMAL TECHNICIANS—BOARD OF VETERINARY GOVERNORS—DUTIES

AN ACT Relating to the board of veterinary governors and animal technicians; amending section 21, chapter 71, Laws of 1941 as last amended by section 71, chapter 158, Laws of 1979 and RCW 18.92.015; amending section 4, chapter 71, Laws of 1941 as last amended by section 2, chapter 134, Laws of 1982 and RCW 18.92.030; amending section 13, chapter 124, Laws of 1907 as last amended by section 53, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.92.040; amending section 6, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.125; amending section 16, chapter 71, Laws of 1941 and RCW 18.92.140; amending section 19, chapter 71, Laws of 1941 as last amended by section 84, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.92.145; amending section 13, chapter 71, Laws of 1941 as last amended by section 7, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.160; amending section 14, chapter 71, Laws of 1941 as last amended by section 24, chapter 67, Laws of 1981 and RCW 18.92.180; adding a new section to chapter 18.92 RCW; repealing section 17, chapter 71, Laws of 1941, section 83, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.92.142; and repealing section 2, chapter 31, Laws of 1979 ex. sess. (uncodified).

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

Sec. 1. Section 21, chapter 71, Laws of 1941 as last amended by section 71, chapter 158, Laws of 1979 and RCW 18.92.015 are each amended to read as follows:

The term "board" used in this chapter shall mean the Washington state veterinary board of governors; and the term "director" shall mean the director of licensing of the state of Washington. "Animal technician" shall mean a person who has successfully completed an examination administered by the board and who has either successfully completed a post high school course approved by the board (~~(; in consultation with the coordinating council for occupational education;)~~) in the care and treatment of animals, or a person who has had five years practical experience acceptable to the board with a licensed veterinarian (~~(and who has successfully completed an examination administered by the board)~~).

Sec. 2. Section 4, chapter 71, Laws of 1941 as last amended by section 2, chapter 134, Laws of 1982 and RCW 18.92.030 are each amended to read as follows:

It shall be the duty of the board to prepare examination questions, conduct examinations, and grade the answers of applicants. The board shall supervise the conduct of those practicing veterinary medicine, surgery, and dentistry and shall make such recommendations as it deems necessary to the director in regard to the granting, suspension, or revocation of licenses. It shall be the duty of the board to adopt a code of professional conduct for the practice of the veterinary profession in this state. The board, pursuant to chapter 34.04 RCW, shall have the power to adopt such rules and regulations as may be necessary to effectuate the purposes of this chapter including the performance of the duties and responsibilities of animal technicians: PROVIDED, HOWEVER, That such rules are adopted in the interest of good veterinary health care delivery to the consuming public, and do not prevent animal technicians from inoculating an animal. The board shall further have the power to adopt, by reasonable rules and regulations, standards prescribing requirements for veterinary medical facilities and to fix minimum standards of continuing veterinary medical education.

~~((The board may employ a secretary who shall be exempt from the provisions of chapter 41.06 RCW and whose duties shall include carrying on correspondence of the board, maintaining records of board proceedings, and such other duties as may be assigned from time to time to him or her by the board:))~~ The department shall be the official office of record.

The board shall have the power to conduct all hearings ~~((for the revocation or suspension of licenses. Such))~~ pertaining to violations of this chapter and may impose appropriate sanctions on licensees or registrants following a hearing. The hearings may be conducted by an administrative law judge appointed under chapter 34.12 RCW.

~~((This section shall take effect July 1, 1982, or on June 10, 1982, whichever is later:))~~

NEW SECTION. Sec. 3. There is added to chapter 18.92 RCW a new section to read as follows:

The director shall provide the board with adequate administrative and investigative staff to carry out its duties. The board has the power to investigate alleged violations of this chapter and to issue subpoenas to compel the attendance of any witnesses, or the production of any books, papers, charts, records, or other documents necessary for its investigations.

Sec. 4. Section 13, chapter 124, Laws of 1907 as last amended by section 53, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.92.040 are each amended to read as follows:

Each member of the board ~~((and secretary))~~ shall receive twenty-five dollars per day as compensation for each day spent upon official business of

the board, and travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. No expense may be incurred by members of the board (~~(or secretary)~~) except in connection with board meetings without prior approval of the director.

Sec. 5. Section 6, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.125 are each amended to read as follows:

~~((Any veterinarian licensed pursuant to this chapter shall make application to the board to permit him to use the services of an animal technician. Such application shall be accompanied by an annual fee in an amount to be determined by the board, with the approval of the director, and shall set forth such information as the board may require. No veterinarian practicing in this state shall utilize the services of an animal technician without prior approval of the board. Whenever it appears to the board that an animal technician 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 an approval, a hearing shall be conducted in accordance with the procedures established under RCW 18.92.180.))~~

No veterinarian who uses the services of an animal technician (~~(in accordance with and within the terms of any permission granted by the board)~~) shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine within the meaning of RCW 18.92.160(~~(: PROVIDED, HOWEVER, That any such)~~). A veterinarian shall retain professional and personal responsibility for any act which constitutes the practice of veterinary medicine as defined in this chapter when performed by an animal technician in his employ.

Sec. 6. Section 16, chapter 71, Laws of 1941 and RCW 18.92.140 are each amended to read as follows:

Each person now qualified to practice veterinary medicine, surgery and dentistry or registered as an animal technician in this state or who shall hereafter be licensed or registered to engage in such practice, shall register with the director of licensing annually or on the date prescribed by the director and pay the ((annual)) renewal registration fee set by the director as provided ((hereinafter on or before the first day of July of each year, and thereafter the license of such person shall be renewed for such calendar year)) in RCW 43.24.085. A person who fails to renew a license or certificate prior to its expiration shall be subject to a late renewal fee equal to one-third of the regular renewal fee set by the director.

Sec. 7. Section 19, chapter 71, Laws of 1941 as last amended by section 84, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.92.145 are each amended to read as follows:

The director shall determine the fees, as provided in RCW 43.24.085 as now or hereafter amended, for the issuance, renewal, or administration of

the following licenses, certificates of registration, permits, duplicate licenses, renewals, or examination:

(1) For a license to practice veterinary medicine, surgery, and dentistry issued upon an examination given by the examining board;

(2) For a license to practice veterinary medicine, surgery, and dentistry issued upon the basis of a license issued in another state;

(3) For ~~((the annual renewal of a license to practice veterinary medicine, surgery, and dentistry))~~ a certificate of registration as an animal technician;

(4) For a temporary permit to practice veterinary medicine, surgery, and dentistry. The temporary permit fee shall be accompanied by the full amount of the examination fee.

Sec. 8. Section 13, chapter 71, Laws of 1941 as last amended by section 7, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.160 are each amended to read as follows:

~~((The license of any))~~ A person ((heretofore or hereafter granted to practice veterinary medicine, surgery and dentistry in this state may be suspended for a certain period of time or revoked)) licensed or registered under this chapter may be subject to disciplinary action by the board for any of the following causes((, which shall be deemed to be unprofessional conduct within the meaning of this chapter)):

(1) ~~((The employment of))~~ Fraud, misrepresentation or deception in obtaining such license, including animal technician application.

(2) Being found guilty of a crime involving moral turpitude.

(3) Chronic inebriety or habitual use of drugs.

(4) Fraud in representation as to skill or ability.

(5) Use of untruthful or improbable statements in advertisements, publicity material or interviews.

(6) Distribution of alcohol or drugs for any other than legitimate purposes.

(7) Personation of another licensed practitioner.

(8) Violation or attempting to violate, directly or indirectly, any of the provisions of this chapter and any rules or regulation promulgated by the board pursuant to ((RCW 18.92.160 as amended by this 1974 amendatory act)) this chapter.

(9) ~~((Gross incompetency in the practice of his profession))~~ Actions in the practice of his or her profession which result in, or have a significant likelihood of resulting in, significant harm to the patient or public.

(10) Violation of the ethics of the profession. The code of ethics adopted by the board of governors shall be the standard of ethics for the licensed veterinarians and registered animal technicians of this state.

(11) Revocation of a license to practice veterinary medicine, an animal technician certificate, or its equivalent, for cause by another state, territory,

or district of the United States on grounds other than nonpayment of registration or license fees.

Sec. 9. Section 14, chapter 71, Laws of 1941 as last amended by section 24, chapter 67, Laws of 1981 and RCW 18.92.180 are each amended to read as follows:

In all disciplinary proceedings (~~((having for their purpose the revocation or suspension of a license to practice veterinary medicine, surgery, and dentistry))~~), the holder of (~~((such))~~) the license or certificate of registration shall be given twenty days notice in writing which shall specify the offense or offenses against this chapter with which said accused person is charged, and said notice shall also give the day and place where the hearing is to be held. The board or an administrative law judge appointed under chapter 34.12 RCW shall have the power to issue subpoenas to compel the attendance of witnesses, or the production of books or documents. The accused person shall have opportunity to make his defense, and may have issued such subpoenas as he may desire. Witnesses shall testify under oath. The board or the administrative law judge shall hear and determine the charges and shall make findings of facts and conclusions of law upon the evidence produced, and (~~((shall))~~) may thereafter prepare and file (~~((the same))~~) in the director's office, together with a transcript of all the evidence, a certificate or order, a duplicate copy of which shall be served upon the accused. The (~~((revocation or suspension of a license to practice))~~) order shall be (~~((in writing))~~) signed by the director(~~((, stating the grounds upon which such order is based))~~) and may provide for:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation upon the licensee's practice;
- (4) The establishment of a requirement that the licensee complete a specific program of continuing veterinary medical education;
- (5) Monitoring of the licensee's practice by a preceptor approved by the board;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) A fine not to exceed five hundred dollars for each violation of this chapter; and
- (9) Any combination of the foregoing, which may be partly or totally stayed.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

- (1) Section 17, chapter 71, Laws of 1941, section 83, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.92.142; and

(2) Section 2, chapter 31, Laws of 1979 ex. sess. (uncodified).

Passed the House February 28, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

CHAPTER 103

[Substitute House Bill No. 393]

STREET IMPROVEMENTS—ABUTTERS—CITY OR COUNTY ASSISTANCE

AN ACT Relating to street improvements; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.75 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 35.21 RCW a new section to read as follows:

Any city or town may assist a street abutter in improving the street serving the abutter's premises by providing asphalt, concrete, or other supplies or materials. The furnishing of supplies or materials or paying to the abutter the cost thereof and the providing of municipal inspectors and other incidental personnel shall not render the street improvements a public work or improvement subject to competitive bidding. The legislative authority of such city or town shall approve any such assistance at a public meeting and shall maintain a public register of any such assistance setting forth the value, nature, purpose, date and location of the assistance and the name of the beneficiary.

NEW SECTION. Sec. 2. There is added to chapter 36.75 RCW a new section to read as follows:

Any county may assist a street abutter in improving the street serving the abutter's premises by providing asphalt, concrete, or other supplies or materials. The furnishing of supplies or materials or paying to the abutter the cost thereof and the providing of inspectors and other incidental personnel shall not render the street improvements a public work or improvement subject to competitive bidding. The legislative authority of such county shall approve any such assistance at a public meeting and shall maintain a public register of any such assistance setting forth the value, nature, purpose, date and location of the assistance and the name of the beneficiary.

Passed the House April 15, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.



## CHAPTER 104

[Substitute House Bill No. 409]

## TUITION AND FEE WAIVERS—RECIPROCITY—OREGON—WASHINGTON

AN ACT Relating to tuition and fees at institutions of higher education; amending section 1, chapter 80, Laws of 1979 and RCW 28B.15.730; and amending section 4, chapter 80, Laws of 1979 and RCW 28B.15.736.

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

Sec. 1. Section 1, chapter 80, Laws of 1979 and RCW 28B.15.730 are each amended to read as follows:

(1) The state board for community college education and the boards of trustees for community college districts thirteen, fourteen, sixteen, nineteen, and twenty, for Lower Columbia, Clark, Yakima Valley, Columbia Basin, and Walla Walla community colleges, respectively, and the board of trustees for The Evergreen State College, for any program it offers in Vancouver, shall waive the payment of nonresident tuition and fees by residents of Oregon, upon completion of an agreement between the council for postsecondary education and appropriate officials and agencies in Oregon granting similar waivers for residents of Cowlitz, Clark, Wahkiakum, Skamania, and Klickitat counties, Washington, who qualify for junior or senior standing to attend Portland State University at the undergraduate level.

(2) The state board for community college education and the boards of trustees of the state's community colleges, The Evergreen State College, and the regional universities and the boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of Oregon, upon completion of and to the extent permitted by an agreement between the council for postsecondary education and appropriate officials and agencies in Oregon granting similar waivers for residents of the state of Washington.

Sec. 2. Section 4, chapter 80, Laws of 1979 and RCW 28B.15.736 are each amended to read as follows:

By January 10 of each odd-numbered year, the council for postsecondary education shall review the costs and benefits of this ((pilot)) program and ((make recommendations to)) shall transmit copies or their review to the governor and the appropriate policy and fiscal committees of the legislature ((at the session commencing in January, 1983, on the continuation of the program. Following such review, the legislature shall make a determination to extend or terminate the program)).

Passed the House March 22, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 105

[House Bill No. 430]

TEMPORARY COMMITTEE ON EDUCATIONAL POLICIES, STRUCTURE AND  
MANAGEMENT—RECOMMENDATION SUBMITTAL DATES

AN ACT Relating to the Temporary Committee on Educational Policies, Structure and Management; amending section 2, chapter 33, Laws of 1982 1st ex. sess. (uncodified); and declaring an emergency.

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

Sec. 1. Section 2, chapter 33, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

There is hereby created the Temporary Committee on Educational Policies, Structure and Management which shall consist of thirteen citizen members, appointed by the governor, each of whom shall apply for membership and demonstrate his or her concern and interest in all of education, one member from each political party of the house of representatives, appointed by the speaker of the house, and one member from each political party of the senate, appointed by the president of the senate.

The temporary committee shall undertake a general review of the entire structure of Washington education, its strengths and areas needed for improvement, and make a report on its findings to the governor, the legislature and the citizens of the state.

In addition to the examination of those questions raised in section 1 (~~of this act~~), chapter 33, Laws of 1982 1st ex. sess., this review shall include:

- (1) An emphasis on the educational progression of the student;
- (2) An examination of the current educational components with particular attention directed to their interrelationships, obstacles to student mobility and progression, and how the system or its components might be improved;
- (3) Examination of the educational goals of the components and a determination of their intended interrelationships;
- (4) Determination of the extent of duplication of educational services in both the vocational and academic areas, the extent to which such duplication may be unwarranted, and proposed corrections;
- (5) Consideration of the nature and extent of any benefits, including those pertaining to student access, progression, and learning, improved information, and cost reduction, as well as any disadvantages, that might accrue from structural reorganization in Washington education;
- (6) An emphasis on the education of children in kindergarten through second grade, with particular reference to new information and research on the effectiveness of early childhood education;
- (7) Consideration of the state's responsibility to make ample provisions for K-12 education, including alternative methods of funding staff costs,

alternative approaches to levy limitation, incentive approaches to encouraging effective responsible decision-making at the local level, and the optimum use of the ideas and talents of teachers, administrators and citizens; and

(8) In regard to postsecondary education, the committee shall take into consideration the policy and planning studies or reports of the council for postsecondary education, and shall utilize to extent possible the data and findings of such council's studies and reports. In adopting a work program or prioritizing the areas for review or study, the committee shall determine whether actual or pending studies of such council have sufficiently examined the areas of concern to the committee, with the intent being to avoid unnecessary duplication of effort between the committee and the council.

The committee's first responsibilities shall be to identify priority areas and to prepare to address them in a phased-in manner. Furthermore, as areas are addressed, the committee shall seek out and highlight programs that are working and shall also make use of testimony and reports from those who have studied or who now are studying education in Washington. The committee's initial recommendations shall be made public as soon as possible. Those recommendations shall then be made to the governor and to the ~~((1983))~~ legislature during the regular legislative session in 1984. The committee shall make its full report and recommendations to the legislature during the regular legislative session in 1985 and shall cease to function at the conclusion of the ~~((1984 legislature))~~ regular legislative session in 1985 unless its duties are legislatively continued.

**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 29, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

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## CHAPTER 106

[Substitute House Bill No. 488]

### HEALTH MAINTENANCE ORGANIZATIONS—PREPAID SERVICES— COVERAGE OF MINORS

AN ACT Relating to health maintenance organizations; amending section 3, chapter 290, Laws of 1975 1st ex. sess. as amended by section 1, chapter 151, Laws of 1982 and RCW 48.46.020; amending section 4, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.030; amending section 5, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.040; amending section 7, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.060; amending section 8, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.070; amending section 9, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.080; amending section 18, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.170; amending section 4, chapter

235, Laws of 1967 and RCW 24.03.015; amending section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 11, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.150; amending section 20, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.21-.200; adding new sections to chapter 48.46 RCW; repealing section 6, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.050; and prescribing penalties.

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

Sec. 1. Section 3, chapter 290, Laws of 1975 1st ex. sess. as amended by section 1, chapter 151, Laws of 1982 and RCW 48.46.020 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context indicates otherwise.

(1) "Health maintenance organization" means any organization receiving a certificate of authority by the commissioner under this chapter which provides comprehensive health care services to enrolled participants of such organization on a group practice per capita prepayment basis or on a pre-paid individual practice plan, either directly or through contractual or other arrangements with other institutions, entities, or persons, and which qualifies as a health maintenance organization pursuant to RCW 48.46.030 and 48.46.040.

(2) "Comprehensive health care services" means basic consultative, diagnostic, and therapeutic services rendered by licensed health professionals together with emergency and preventive care, inpatient hospital, outpatient and physician care, at a minimum, and any additional health care services offered by the health maintenance organization.

(3) "Enrolled participant" means a person who or group of persons which has entered into a contractual arrangement or on whose behalf a contractual arrangement has been entered into with a health maintenance organization to receive health care services.

(4) "Health professionals" means practitioners who are licensed under the provisions of chapters 18.22, 18.25, 18.29, 18.32, 18.34, 18.53, 18.57, 18.57A, 18.64, 18.71, 18.71A, 18.74, 18.78, 18.83, or 18.88 RCW.

~~(5) ("Health care service contractor" means any corporation, cooperative group, partnership, or association which is registered as a health care contractor pursuant to the provisions of chapter 48.44 RCW.~~

~~(6))~~ "Health maintenance agreement" means an agreement for services between a health maintenance organization which is registered pursuant to the provisions of this chapter and enrolled participants of such organization which provides enrolled participants with comprehensive health services rendered to enrolled participants by health professionals, groups, facilities, and other personnel associated with the health maintenance organization.

~~((7))~~ (6) "Consumer" means any member, subscriber, enrollee, beneficiary, or other person entitled to health care services under terms of a health maintenance agreement, but not including health professionals, employees of health maintenance organizations, partners, or shareholders of stock corporations licensed as health maintenance organizations.

~~((8))~~ (7) "Meaningful role in policy making" means a procedure approved by the commissioner which provides consumers or elected representatives of consumers a means of submitting the views and recommendations of such consumers to the governing board of such organization coupled with reasonable assurance that the board will give regard to such views and recommendations.

~~((9))~~ (8) "Meaningful grievance procedure" means a procedure for investigation of consumer grievances in a timely manner aimed at mutual agreement for settlement according to procedures approved by the commissioner, and which may include arbitration procedures.

~~((10))~~ (9) "Provider" means any health professional, hospital, or other institution, organization, or person that furnishes any health care services and is licensed or otherwise authorized to furnish such services.

~~((11))~~ (10) "Department" means the state department of social and health services.

~~((12))~~ (11) "Commissioner" means the insurance commissioner.

~~((13))~~ (12) "Group practice" means a partnership, association, corporation, or other group of health professionals:

(a) The members of which may be individual health professionals, clinics, or both individuals and clinics who engage in the coordinated practice of their profession; and

(b) The members of which are compensated by a prearranged salary, or by capitation payment or drawing account that is based on the number of enrolled participants.

~~((14))~~ (13) "Individual practice health care plan" means an association of health professionals in private practice who associate for the purpose of providing prepaid comprehensive health care services on a fee-for-service or capitation basis.

~~((15))~~ (14) "Uncovered expenditures" means the costs of health care services that are covered by a health maintenance organization for which an enrolled participant would also be liable in the event of the health maintenance organization's insolvency.

Sec. 2. Section 4, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.030 are each amended to read as follows:

Any corporation, cooperative group, partnership, individual, association, or groups of health professionals licensed by the state of Washington, public hospital district, or public institutions of higher education shall be entitled to a certificate of registration as a health maintenance organization if it:

(1) Provides comprehensive health care services to enrolled participants on a group practice per capita prepayment basis or on a prepaid individual practice plan and provides such health services either directly or through arrangements with institutions, entities, and persons which its enrolled population might reasonably require as determined by the health maintenance organization in order to be maintained in good health; and

~~(2) ((Otherwise meets the requirements of chapter 48.44 RCW: PROVIDED, That this requirement shall not apply to public institutions of higher education; and~~

~~(3))~~ (3) Is governed by a board elected by enrolled participants, or otherwise provides its enrolled participants with a meaningful role in policy making procedures of such organization, as defined in RCW 48.46.020(~~((8))~~)(7), and 48.46.070; and

~~((4))~~ (3) Affords enrolled participants with a meaningful grievance procedure aimed at settlement of disputes between such persons and such health maintenance organization, as defined in RCW 48.46.020(~~((9))~~) (8) and 48.46.100; and

~~((5))~~ (4) Provides enrolled participants, ~~((makes available for inspection at least annually, financial statements pertaining to health maintenance agreements, disclosing income and expenses, assets and liabilities, and the bases for proposed rate adjustments for health maintenance agreements relating to its activity as a health maintenance organization; and~~

~~((6))~~ (5) Demonstrates to the satisfaction of the commissioner that its facilities and personnel are reasonably adequate to provide comprehensive health care services to enrolled participants and that it is financially capable of providing such members with, or has made adequate contractual arrangements through insurance or otherwise to provide such members with, such health services; and

~~((7))~~ (6) Substantially complies with administrative rules and regulations of the commissioner for purposes of this chapter; and

~~((8))~~ (7) Submits an application for a certificate of registration which shall be verified by an officer or authorized representative of the applicant, being in form as the commissioner prescribes, and setting forth:

(a) A copy of the basic organizational document, if any, of the applicant, such as the articles of incorporation, articles of association, partnership agreement, trust agreement, or other applicable documents, and all amendments thereto;

(b) A copy of the bylaws, rules and regulations, or similar documents, if any, which regulate the conduct of the internal affairs of the applicant, and all amendments thereto;

(c) A list of the names, addresses, members of the board of directors, board of trustees, executive committee, or other governing board or committee and the principal officers, partners, or members;

(d) A full and complete disclosure of any financial interests held by any officer, or director in any provider associated with the applicant or any provider of the applicant.

(e) A description of the health maintenance organization, its facilities and its personnel, and the applicant's most recent financial statement (~~((pertaining to prepaid health maintenance agreements;))~~) showing such organization's assets, liabilities, income, and other sources of financial support;

(f) A description of the geographic areas and the population groups to be served and the size and composition of the anticipated enrollee population;

(g) A copy of each type of health maintenance contract to be issued to enrolled participants;

(h) A schedule of all proposed rates of reimbursement to contracting health care facilities or providers, if any, and a schedule of the proposed charges for enrollee coverage for health care services, accompanied by data relevant to the formulation of such schedules;

(i) A description of the proposed method and schedule for soliciting enrollment in the applicant health maintenance organization and the basis of compensation for such solicitation services;

(j) A copy of the solicitation document to be distributed to all prospective enrolled participants in connection with any solicitation;

(k) A financial projection which sets forth the anticipated results during the initial two years of operation of such organization, (~~if such organization has not operated previously as a health care contractor under chapter 48.44 RCW;~~) accompanied by a summary of the assumptions and relevant data upon which the projection is based. The projection should include the projected expenses, enrollment trends, income, enrollee utilization patterns, and sources of working capital;

(l) A detailed description of the enrollee complaint system as provided by RCW 48.46.100;

(m) A detailed description of the procedures and programs to be implemented to assure that the health care services delivered to enrolled participants will be of professional quality; and

(n) Such other information as the commissioner shall require by rule or regulation which is reasonably necessary to carry out the provisions of this section.

A health maintenance organization shall, unless otherwise provided for in this chapter, file a notice describing any modification of any of the information required by subsection (8) of this section. Such notice shall be filed with the commissioner.

Sec. 3. Section 5, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.040 are each amended to read as follows:

After January 1, 1976, the commissioner shall issue a certificate of registration to the applicant within sixty days of such filing unless he notifies the applicant within such time that such application is not complete and the reasons therefor; or that he is not satisfied that:

(1) ~~The basic organizational document of the applicant ((when combined with the powers enumerated in RCW 48.46.050))~~ permits the applicant to conduct business as a health maintenance organization;

(2) The organization has demonstrated the intent and ability to assure that comprehensive health care services will be provided in a manner to assure both their availability and accessibility;

(3) The organization is financially responsible and may be reasonably expected to meet its obligations to its enrolled participants. In making this determination, the commissioner shall consider among other relevant factors:

(a) Any agreements with an insurer, a medical or hospital service bureau, a government agency or any other organization paying or insuring payment for health care services;

(b) Any agreements with providers for the provision of health care services; and

(c) Any arrangements for liability and malpractice insurance coverage;

(4) The procedures for offering health care services and offering or terminating contracts with enrolled participants are reasonable and equitable in comparison with prevailing health insurance subscription practices and health maintenance organization enrollment procedures; and, that

(5) Procedures have been established to:

(a) Monitor the quality of care provided by such organization, including, as a minimum, procedures for internal peer review;

(b) Resolve complaints and grievances initiated by enrolled participants in accordance with ~~((sections 2(8) and 11 of this 1975 amendatory act))~~ RCW 48.46.010 and 48.46.100;

(c) Offer enrolled participants an opportunity to participate in matters of policy and operation in accordance with RCW 48.46.020~~((+8))~~(7) and 48.46.070.

No person to whom a certificate of registration has not been issued, except a health maintenance organization certified by the secretary of the department of health, education and welfare, pursuant to Public Law 93-222 or its successor, shall use the words "health maintenance organization" or the initials "HMO" in its name, contracts, or literature: PROVIDED HOWEVER, That persons who are contracting with, operating in association with, recruiting enrolled participants for, or otherwise authorized by a health maintenance organization possessing a certificate of registration to act on its behalf may use the terms "health maintenance organization" or "HMO" for the limited purpose of denoting or explaining their relationship to such health maintenance organization.

The department of social and health services, at the request of the insurance commissioner, shall inspect and review the facilities of every applicant health maintenance organization to determine that such facilities are reasonably adequate to provide the health care services offered in their contracts. If the commissioner has information to indicate that such facilities fail to continue to be adequate to provide the health care services offered, the department of social and health services, upon request of the insurance



commissioner, shall reinspect and review the facilities and report to the insurance commissioner as to their adequacy or inadequacy.

Sec. 4. Section 7, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.060 are each amended to read as follows:

(1) Any health maintenance organization may enter into agreements with or for the benefit of persons or groups of persons, which require prepayment for health care services by or for such persons in consideration of the health maintenance organization providing health care services to such persons. Such activity is not subject to the laws relating to insurance if the health care services are rendered directly by the health maintenance organization or by any provider which has a contract or other arrangement with the health maintenance organization to render health services to enrolled participants.

(2) All forms of health maintenance agreements issued by the organization to enrolled participants or other marketing documents purporting to describe the organization's comprehensive health care services shall comply with such minimum standards as the commissioner deems reasonable and necessary in order to carry out the purposes and provisions of this chapter, and which fully inform enrolled participants of the health care services to which they are entitled, including any limitations or exclusions thereof, and such other rights, responsibilities and duties required of the contracting health maintenance organization.

(3) Subject to the right of the health maintenance organization to demand and receive a hearing under chapters 48.04 and 34.04 RCW, the commissioner may disapprove a contract form for any of the following grounds:

(a) If it contains or incorporates by reference any inconsistent, ambiguous, or misleading clauses, or exceptions or conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract;

(b) If it has any title, heading, or other indication which is misleading;

(c) If purchase of health care services thereunder is being solicited by deceptive advertising;

(d) If the benefits provided therein are unreasonable in relation to the amount charged for the contract;

(e) If it contains unreasonable restrictions on the treatment of patients;

or

(f) If it fails to conform to minimum provisions or standards required by the commissioner by rule under chapter 34.04 RCW.

~~((2))~~ (4) No health maintenance organization authorized under this chapter shall cancel or fail to renew the enrollment on any basis of an enrolled participant or refuse to transfer an enrolled participant from a group to an individual basis for reasons relating solely to age, sex, race, or health

status: PROVIDED HOWEVER, That nothing contained herein shall prevent cancellation of a contract with enrolled participants (a) who violate any published policies of the organization which have been approved by the commissioner, or (b) who are entitled to become eligible for medicare benefits and fail to enroll for a medicare supplement plan offered by the health maintenance organization and approved by the commissioner, or (c) for failure of such enrolled participant to pay the approved charge, including cost-sharing, required under such contract, or (d) for a material breach of the health maintenance agreement.

~~((3))~~ (5) No contract form or amendment to an approved contract form shall be used unless it is first filed with the commissioner.

Sec. 5. Section 8, chapter 290, Laws of 1975 1st ex. sess. and RCW 48-46.070 are each amended to read as follows:

(1) The members of the governing body of a health maintenance organization shall be nominated by the voting members or by the enrolled participants and providers, and shall be elected by the enrolled participants or voting members pursuant to the provisions of their bylaws, which shall not be restricted to providers. At least one-third of such body shall consist of consumers who are substantially representative of the enrolled population of such organization: PROVIDED, HOWEVER, That any panel medicine plan, qualified pursuant to chapter 41.05 RCW, and licensed as a health care contractor as of January 1, 1975, may have a governing body which shall be advised by an advisory board consisting of at least two-thirds consumers who are elected by the voting members or the enrolled participants and are substantially representative of the enrolled population: PROVIDED FURTHER, That any organization that is a qualified health maintenance organization under P.L. 93-222 (Title XIII, section 1310(d) of the public health services act) is deemed to have satisfied these governing body requirements and the requirements of RCW 48.46.030(2).

(2) For health maintenance organizations formed by public institutions of higher education or public hospital districts, the governing body shall be advised by an advisory board consisting of at least two-thirds consumers who are elected by the voting members or the enrolled participants and are substantially representative of the enrolled population.

Sec. 6. Section 9, chapter 290, Laws of 1975 1st ex. sess. and RCW 48-46.080 are each amended to read as follows:

(1) Every health maintenance organization shall annually file with the commissioner a report, under oath, in accordance with the provisions of this chapter.

(2) Such annual report shall be in such form as the commissioner shall prescribe and shall include:

(a) A financial statement of such organization, including its balance sheet and receipts and disbursements for the preceding year, which reflects at a minimum,

(i) all prepayments and other payments received for health care services rendered pursuant to health maintenance agreements;

(ii) expenditures to all categories of health care facilities, providers, insurance companies, or hospital or medical service plan corporations with which such organization has contracted to fulfill obligations to enrolled participants arising out of its health maintenance contracts, together with all other direct expenses including depreciation, enrollment, and commission; and

(iii) expenditures for capital improvements, or additions thereto, including but not limited to construction, renovation, or purchase of facilities and capital equipment;

(b) The number of participants enrolled and terminated during the report period. Every employer offering health care benefits to their employees through a group contract with a health maintenance organization shall furnish said health maintenance organization with a list of their employees enrolled under such plan;

(c) The number of doctors by type of practice who, under contract with or as an employee of the health maintenance organization, furnished health care services to consumers during the past year;

(d) A report of the names and addresses of all officers, directors, or trustees of the health maintenance organization during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals for services to such organization. For partnership and professional service corporations, a report shall be made for partners or shareholders as to any compensation or expense reimbursement received by them for services, other than for services and expenses relating directly for patient care;

~~((d))~~ (e) Such other information relating to the performance of the health maintenance organization or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter, in accordance with rules and regulations; and

~~((e))~~ (f) Disclosure of any financial interests held by officers and directors in any providers associated with the health maintenance organization or any provider of the health maintenance organization.

Sec. 7. Section 18, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.170 are each amended to read as follows:

(1) Solicitation of enrolled participants by a health maintenance organization granted a certificate of registration, or its agents or representatives, shall not be construed to violate any provision of law relating to solicitation or advertising by health professionals.

(2) Any health maintenance organization authorized under this chapter shall not be deemed to be violating any law prohibiting the practice by unlicensed persons of podiatry, chiropractic, dental hygiene, opticianary, dentistry, optometry, osteopathy, pharmacy, medicine and surgery, physical therapy, nursing, or psychology: PROVIDED, That this subsection shall not be construed to expand a health professional's scope of practice or to allow employees of a health maintenance organization to practice as a health professional unless licensed.

(3) Nothing contained in this chapter shall alter any statutory obligation, or rule or regulation promulgated thereunder, in chapter 70.38 or 70.39 RCW.

(4) Any health maintenance organization receiving a certificate of registration pursuant to this chapter shall be exempt from the provisions of chapter 48.05 RCW, (~~and shall not be required to register as a health care contractor under chapter 48.44 RCW~~) but shall be subject to (~~all other provisions of chapters 48.44 and~~) chapter 70.39 RCW.

NEW SECTION. Sec. 8. There is added to chapter 48.46 RCW a new section to read as follows:

(1) No health maintenance organization nor any individual acting in behalf thereof may guarantee or agree to the payment of future dividends or future refunds of unused charges or savings in any specific or approximate amounts or percentages in respect to any contract being offered to the public, except in a group contract containing an experience refund provision.

(2) The issuance, sale, or offer for sale in this state of securities of its own issue by any health maintenance organization domiciled in this state other than the memberships and bonds of a nonprofit corporation are subject to the provisions of chapter 48.06 RCW relating to obtaining solicitation permits.

NEW SECTION. Sec. 9. There is added to chapter 48.46 RCW a new section to read as follows:

The granting of a certificate of registration to a health maintenance organization is permissive only, and does not constitute an endorsement by the insurance commissioner of any person or thing related to the health maintenance organization, and no person may advertise or display a certificate of registration for use as an inducement in any solicitation.

NEW SECTION. Sec. 10. There is added to chapter 48.46 RCW a new section to read as follows:

Any health maintenance agreement 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 developmental disability or

physical handicap; and (2) chiefly dependent upon the subscriber for support and maintenance, if proof of such incapacity and dependency is furnished to the health maintenance organization by the enrolled participant within thirty-one days of the child's attainment of the limiting age and subsequently as required by the health maintenance organization but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

**NEW SECTION.** Sec. 11. There is added to chapter 48.46 RCW a new section to read as follows:

Any health maintenance agreement under this chapter which provides coverage for dependent children of the enrolled participant shall provide the same coverage for newborn infants of the enrolled participant from and after the moment of birth. Coverage provided under this section shall include, but not be limited to, coverage for congenital anomalies of such children from the moment of birth.

**NEW SECTION.** Sec. 12. There is added to chapter 48.46 RCW a new section to read as follows:

Every subscriber of an individual health maintenance agreement may return the agreement to the health maintenance organization or the agent through whom it was purchased within ten days of its delivery to the subscriber if, after examination of the agreement, the subscriber is not satisfied with it for any reason. The health maintenance organization shall refund promptly any fee paid for the agreement. Upon such return of the agreement, it shall be void from the beginning and the parties shall be in the same position as if no agreement had been issued. Notice of the substance of this section shall be printed on the face of each such agreement or be attached thereto.

**NEW SECTION.** Sec. 13. There is added to chapter 48.46 RCW a new section to read as follows:

Each group agreement for health care services between a health maintenance organization and the person or persons to receive such care under the group agreement shall contain provisions providing benefits for the treatment of alcoholism rendered to such person or persons by an alcoholic treatment facility which is an "approved treatment facility" under RCW 70.96A.020(2); PROVIDED, That this section does not apply to any agreement written as supplemental coverage to any federal or state programs of health care including, but not limited to, Title XVIII health insurance for the aged (commonly referred to as Medicare, Parts A&B), and amendments thereto.

**NEW SECTION.** Sec. 14. There is added to chapter 48.46 RCW a new section to read as follows:

Any employee whose compensation includes a health maintenance agreement, the cost of which is paid in full or in part by an employer including the state of Washington, its political subdivisions, or municipal corporations, or paid by payroll deduction, may pay the cost as it becomes due directly to the agreement holder whenever the employee's compensation is suspended or terminated directly or indirectly as a result of a strike, lock-out, or other labor dispute, for a period not exceeding six months and at the rate and coverages as the health maintenance agreement provides. During that period of time, such agreement may not be altered or changed. Nothing in this section impairs the right of the health maintenance organization to make normal decreases or increases in the cost of the health maintenance agreement upon expiration and renewal of the agreement, in accordance with the agreement. Thereafter, if such health maintenance agreement is no longer available, the employee shall be given the opportunity to convert as specified in RCW 48.46.065. When the employee's compensation is so suspended or terminated, the employee shall be notified immediately by the agreement holder in writing, by mail addressed to the address last of record with the agreement holder, that the employee may pay the cost of the health maintenance agreement to the agreement holder as it becomes due as provided in this section. Payment must be made when due or the coverage may be terminated by the health maintenance organization.

NEW SECTION, Sec. 15. There is added to chapter 48.46 RCW a new section to read as follows:

No health maintenance organization may deny coverage to a person solely on account of the presence of any sensory, mental, or physical handicap. Nothing in this section may be construed as limiting a health maintenance organization's authority to deny or otherwise limit coverage to a person when the person because of a medical condition does not meet the essential eligibility requirements established by the health maintenance organization for purposes of determining coverage for any person.

NEW SECTION, Sec. 16. There is added to chapter 48.46 RCW a new section to read as follows:

Every authorized health maintenance organization, upon canceling, denying, or refusing to renew any individual health maintenance agreement, shall, upon written request, directly notify in writing the applicant or enrolled participant as appropriate, of the reasons for the action by the health maintenance organization. Any benefits, terms, rates, or conditions of such agreement which are restricted, excluded, modified, increased, or reduced because of the presence of a sensory, mental, or physical handicap shall, upon written request, be set forth in writing and supplied to the individual. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

**NEW SECTION.** Sec. 17. There is added to chapter 48.46 RCW a new section to read as follows:

With respect to the provisions of health maintenance agreements as set forth in section 16 of this act, there shall be no liability on the part of, and no cause of action of any nature shall arise against, the insurance commissioner, the commissioner's agents, or members of the commissioner's staff, or against any health maintenance organization, its authorized representative, its agents, its employees, for providing to the health maintenance organization information as to reasons for cancellation or refusal to issue or renew, for libel or slander on the basis of any statement made by any of them in any written notice of cancellation or refusal to issue or renew, or in any other communications, oral or written, specifying the reasons for cancellation or refusal to issue or renew or the providing of information pertaining thereto, or for statements made or evidence submitted in any hearing conducted in connection therewith.

**NEW SECTION.** Sec. 18. There is added to chapter 48.46 RCW a new section to read as follows:

No person may knowingly make, publish, or disseminate any false, deceptive, or misleading representation or advertising in the conduct of the business of a health maintenance organization, or relative to the business of a health maintenance organization or to any person engaged therein.

**NEW SECTION.** Sec. 19. There is added to chapter 48.46 RCW a new section to read as follows:

No health maintenance organization nor any person representing a health maintenance organization may by misrepresentation or misleading comparisons induce or attempt to induce any member of a health maintenance organization to terminate or retain an agreement or membership in the organization.

**NEW SECTION.** Sec. 20. There is added to chapter 48.46 RCW a new section to read as follows:

Any health maintenance organization or person who violates any provision of this chapter shall be guilty of a gross misdemeanor.

**NEW SECTION.** Sec. 21. There is added to chapter 48.46 RCW a new section to read as follows:

For the purposes of this chapter, the insurance commissioner shall have the same powers and duties of enforcement as are provided in RCW 48.02.080.

Sec. 22. Section 4, chapter 235, Laws of 1967 and RCW 24.03.015 are each amended to read as follows:

Corporations may be organized under this chapter for any lawful purpose or purposes, including, without being limited to, any one or more of the following purposes: Charitable; benevolent; eleemosynary; educational; civic;

patriotic; political; religious; social; fraternal; literary; cultural; athletic; scientific; agricultural; horticultural; animal husbandry; and professional, commercial, industrial or trade association; but labor unions, cooperative organizations, and organizations subject to any of the provisions of the insurance laws of this state may not be organized under this chapter: PROVIDED, That any not for profit corporation heretofore organized under any act hereby repealed and existing for the purpose of providing health care services as defined in RCW 48.44.010(1) or 48.46.020(1), as now or hereafter amended, shall continue to be organized under this chapter.

Sec. 23. Section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 11, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.150 are each amended to read as follows:

(1) Whenever any active member, or any member hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the disability board shall be judge, is confined in any hospital or in his home, and whether or not so confined, requires medical services, the employer shall pay for such active or retired member the necessary medical services not payable from some other source as provided for in subsection (2). In the case of active or retired fire fighters the employer may make the payments provided for in this section from the firemen's pension fund established pursuant to RCW 41.16.050 where such fund had been established prior to March 1, 1970: PROVIDED, That in the event the pension fund is depleted, the employer shall have the obligation to pay all benefits payable under chapters 41.16 and 41.18 RCW: PROVIDED FURTHER, That the disability board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section for the period of such refusal: AND PROVIDED FURTHER, That the disability board shall designate the medical services available to any sick or disabled member.

(2) The medical services payable under this section will be reduced by any amount received or eligible to be received by the member under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, insurance provided by another employer, other pension plan, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 as now or hereafter amended shall not be deemed a refusal of payment of benefits thereby enabling collection of charges under the provisions of this chapter.



(3) Upon making such payments as are provided for in subsection (1), the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member's injuries or for the payment of the cost of medical services in connection with a member's sickness or disability to the extent necessary to recover the amount of payments made by the employer.

(4) Any employer under this chapter, either singly, or jointly with any other such employer or employers through an association thereof as provided for in chapter 48.21 RCW, may provide for all or part of one or more plans of group hospitalization and medical aid insurance to cover any of its employees who are members of the Washington law enforcement officers' and fire fighters' retirement system, and/or retired former employees who were, before retirement, members of said retirement system, through contracts with regularly constituted insurance carriers, with health maintenance organizations as defined in chapter 48.46 RCW, or with health care service contractors as defined in chapter 48.44 RCW. Benefits payable under any such plan or plans shall be deemed to be amounts received or eligible to be received by the active or retired member under subsection (2) of this section.

Sec. 24. Section 20, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.21.200 are each amended to read as follows:

(1) No group disability insurance policy which provides benefits for hospital, medical, or surgical expenses shall be delivered or issued for delivery in this state after September 8, 1975 which contains any provision whereby the insurer may reduce or refuse to pay such benefits otherwise payable thereunder solely on account of the existence of similar benefits provided under any individual disability insurance policy, or under any individual health care service contract.

(2) No group disability insurance policy providing hospital, medical or surgical expense benefits and which contains a provision for the reduction of benefits otherwise payable thereunder on the basis of other existing coverages, shall provide that such reduction will operate to reduce total benefits payable below an amount equal to one hundred percent of total allowable expenses. The commissioner shall by rule establish guidelines for the application of this section, including: (a) The procedures by which persons insured under such policies are to be made aware of the existence of such a provision; (b) the benefits which may be subject to such a provision; (c) the effect of such a provision on the benefits provided; (d) establishment of the order of benefit determination; and (e) reasonable claim administration procedures to expedite claim payments under such a provision.

(3) The provisions of this section shall apply to health care service contractor contracts and health maintenance organization agreements.

**NEW SECTION.** Sec. 25. Section 6, chapter 240, Laws of 1975 1st ex. sess. and RCW 48.46.050 are each repealed.

Passed the House April 15, 1983.

Passed the Senate April 12, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 107

[Engrossed Substitute House Bill No. 533]

### COLLECTION AGENCIES—BAD DEBT LISTS—COLLECTION PROCEDURES

AN ACT Relating to practices prohibited by collection agencies; and amending section 16, chapter 253, Laws of 1971 ex. sess. as amended by section 5, chapter 254, Laws of 1981 and RCW 19.16.250.

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

Sec. 1. Section 16, chapter 253, Laws of 1971 ex. sess. as amended by section 5, chapter 254, Laws of 1981 and RCW 19.16.250 are each amended to read as follows:

No licensee or employee of a licensee shall:

(1) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency in this state or receive compensation from such unlicensed person: **PROVIDED**, That nothing in this chapter shall prevent a licensee from accepting, as forwarder, claims for collection from a collection agency or attorney whose place of business is outside the state.

(2) Collect or attempt to collect a claim by the use of any means contrary to the postal laws and regulations of the United States postal department.

(3) Publish or post or cause to be published or posted, any list of debtors commonly known as (~~"deadbeat"~~) "bad debt lists" or threaten to do so. For purposes of this chapter, a "bad debt list" means any list of natural persons alleged to fail to honor their lawful debts. However, nothing herein shall be construed to prohibit a licensee from communicating to its customers or clients by means of a coded list, the existence of a check dishonored because of insufficient funds, not sufficient funds or closed account by the financial institution servicing the debtor's checking account: PROVIDED, That the debtor's identity is not readily apparent: PROVIDED FURTHER, That the licensee complies with the requirements of subsection (9)(c) of this section.

(4) Have in his possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(5) Perform any act or acts, either directly or indirectly, constituting the practice of law.

(6) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof or agreeing to do so for the purpose of soliciting claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under court order.

(7) Use any name while engaged in the making of a demand for any claim other than the name set forth on his or its current license issued hereunder.

(8) Give or send to any debtor or cause to be given or sent to any debtor, any notice, letter, message, or form which represents or implies that a claim exists unless it shall indicate in clear and legible type:

(a) The name of the licensee and the city, street, and number at which he is licensed to do business;

(b) The name of the original creditor to whom the debtor owed the claim if such name is known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain the name of such person and provide this name to the debtor;

(c) If the notice, letter, message, or form is the first notice to the debtor or if the licensee is attempting to collect a different amount than indicated in his or its first notice to the debtor, an itemization of the claim asserted must be made including:

(i) Amount owing on the original obligation at the time it was received by the licensee for collection or by assignment;

(ii) Interest or service charge, collection costs, or late payment charges, if any, added to the original obligation by the original creditor, customer or assignor before it was received by the licensee for collection, if such information is known by the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain information on such items and provide this information to the debtor;

(iii) Interest or service charge, if any, added by the licensee or customer or assignor after the obligation was received by the licensee for collection;

(iv) Collection costs, if any, that the licensee is attempting to collect;

(v) Attorneys' fees, if any, that the licensee is attempting to collect on his or its behalf or on the behalf of a customer or assignor;

(vi) Any other charge or fee that the licensee is attempting to collect on his or its own behalf or on the behalf of a customer or assignor.

(9) Communicate or threaten to communicate, the existence of a claim to a person other than one who might be reasonably expected to be liable on the claim in any manner other than through proper legal action, process, or proceedings except under the following conditions:

(a) A licensee or employee of a licensee may inform a credit reporting bureau of the existence of a claim: PROVIDED, That if the licensee or employee of a licensee reports a claim to a credit reporting bureau, the licensee shall upon receipt of written notice from the debtor that any part of

the claim is disputed, forward a copy of such written notice to the credit reporting bureau;

(b) A licensee or employee in collecting or attempting to collect a claim may communicate the existence of a claim to a debtor's employer if the claim has been reduced to a judgment;

(c) A licensee or employee in collecting or attempting to collect a claim that has not been reduced to judgment, may communicate the existence of a claim to a debtor's employer if:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his last known address or place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing to the licensee disputed any part of the claim: **PROVIDED**, That the licensee or employee may only communicate the existence of a claim which has not been reduced to judgment to the debtor's employer once unless the debtor's employer has agreed to additional communications.

(d) A licensee may for the purpose of locating the debtor or locating assets of the debtor communicate the existence of a claim to any person who might reasonably be expected to have knowledge of the whereabouts of a debtor or the location of assets of the debtor if the claim is reduced to judgment, or if not reduced to judgment(~~(;and)~~), when:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(e) A licensee may communicate the existence of a claim to its customers or clients if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee has notified or attempted to notify the debtor in writing at his last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(10) Threaten the debtor with impairment of his credit rating if a claim is not paid.

(11) Communicate with the debtor after notification in writing from an attorney representing such debtor that all further communications relative to a claim should be addressed to the attorney: **PROVIDED**, That if a licensee requests in writing information from an attorney regarding such

claim and the attorney does not respond within a reasonable time, the licensee may communicate directly with the debtor until he or it again receives notification in writing that an attorney is representing the debtor.

(12) Communicate with a debtor or anyone else in such a manner as to harass, intimidate, threaten, or embarrass a debtor, including but not limited to communication at an unreasonable hour, with unreasonable frequency, by threats of force or violence, by threats of criminal prosecution, and by use of offensive language. A communication shall be presumed to have been made for the purposes of harassment if:

(a) It is made with a debtor or spouse in any form, manner, or place, more than three times in a single week;

(b) It is made with a debtor at his or her place of employment more than one time in a single week;

(c) It is made with the debtor or spouse at his or her place of residence between the hours of 9:00 p.m. and 7:30 a.m.

(13) Communicate with the debtor through use of forms or instruments that simulate the form or appearance of judicial process, the form or appearance of government documents, or the simulation of a form or appearance of a telegraphic or emergency message.

(14) Communicate with the debtor and represent or imply that the existing obligation of the debtor may be or has been increased by the addition of attorney fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation of such debtor.

(15) Threaten to take any action against the debtor which the licensee cannot legally take at the time the threat is made.

(16) Send any telegram or make any telephone calls to a debtor or concerning a debt or for the purpose of demanding payment of a claim or seeking information about a debtor, for which the charges are payable by the addressee or by the person to whom the call is made.

(17) In any manner convey the impression that the licensee is vouched for, bonded to or by, or is an instrumentality of the state of Washington or any agency or department thereof.

(18) Collect or attempt to collect in addition to the principal amount of a claim any sum other than allowable interest, collection costs or handling fees expressly authorized by statute, and, in the case of suit, attorney's fees and taxable court costs.

(19) Procure from a debtor or collect or attempt to collect on any written note, contract, stipulation, promise or acknowledgment under which a

debtor may be required to pay any sum other than principal, allowable interest, and, in the case of suit, attorney's fees and taxable court costs.

Passed the House April 15, 1983.

Passed the Senate April 12, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

CHAPTER 108

[Substitute House Bill No. 539]

FUEL TAX—PRIVATE NONPROFIT TRANSPORTATION PROVIDERS—  
EXEMPT—REFUNDS

AN ACT Relating to motor vehicle fuel taxation; amending section 23, chapter 37, Laws of 1980 as amended by section 1, chapter 147, Laws of 1980 and RCW 82.08.0255; amending section 56, chapter 37, Laws of 1980 as amended by section 2, chapter 147, Laws of 1980 and RCW 82.12.0256; amending section 1, chapter 42, Laws of 1973 as amended by section 4, chapter 40, Laws of 1979 and RCW 82.38.080; and adding a new section to chapter 82.36 RCW.

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

Sec. 1. Section 23, chapter 37, Laws of 1980 as amended by section 1, chapter 147, Laws of 1980 and RCW 82.08.0255 are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of:

(1) Motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes; and

(2) Motor vehicle and special fuel if:

(a) The fuel is purchased for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(~~(8)~~) (9); or

(b) The fuel is purchased by a private, nonprofit transportation provider certified under chapter 81.66 RCW and the purchaser is entitled to a refund or an exemption under section 3 of this 1983 act or RCW 82.38.080(8); or

(c) The fuel is taxable under chapter 82.36 or 82.38 RCW.

Sec. 2. Section 56, chapter 37, Laws of 1980 as amended by section 2, chapter 147, Laws of 1980 and RCW 82.12.0256 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of:

(1) Motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes; and

(2) Motor vehicle and special fuel if:

(a) The fuel is used for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(~~(8)~~)(9); or

(b) The fuel is purchased by a private, nonprofit transportation provider certified under chapter 81.66 RCW and the purchaser is entitled to a refund or an exemption under section 3 of this 1983 act or RCW 82.38.080(8); or

(c) The fuel is taxable under chapter 82.36 or 82.38 RCW; PROVIDED, That the use of motor vehicle and special fuel upon which a refund of the applicable fuel tax is obtained shall not be exempt under this subsection (2)((b))(c), and the director of licensing 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.

NEW SECTION. Sec. 3. There is added to chapter 82.36 RCW a new section to read as follows:

A private, nonprofit transportation provider certified under chapter 81.66 RCW shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used to provide transit services for only elderly or handicapped persons, or both, whether the vehicle fuel tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of the tax to the price of the fuel.

Sec. 4. Section 1, chapter 42, Laws of 1973 as amended by section 4, chapter 40, Laws of 1979 and RCW 82.38.080 are each amended to read as follows:

There is exempted from the tax imposed by this chapter, the use of fuel for: (1) street and highway construction and maintenance purposes in motor vehicles owned and operated by the state of Washington, or any county or municipality; (2) publicly owned fire fighting equipment; (3) special mobile equipment as defined in RCW 46.04.552; (4) power pumping units or other power take-off equipment of any motor vehicle which is accurately measured by metering devices that have been specifically approved by the department or which is established by either of the following formulae: (a) pumping propane, or fuel or heating oils by a power take-off unit on a delivery truck, at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered: PROVIDED, That claimant when presenting his claim to the department in accordance with the provisions of this chapter, shall provide to said claim, invoices of propane, or fuel or heating oil delivered, or such other appropriate information as may be required by the department to substantiate his claim; or (b) operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in such a truck; (5) motor vehicles owned and operated by the United States government; (6) heating purposes; (7) moving a motor vehicle on a public highway between two pieces of private property when said moving is incidental to the primary use of the motor vehicle; ~~((and))~~ (8) transit services for only elderly or handicapped persons, or both, by a private, nonprofit transportation provider certified under chapter 81.66 RCW; and (9) notwithstanding any provision

of law to the contrary, every urban passenger transportation system and carriers as defined by chapters 81.68 and 81.70 RCW shall be exempt from the provisions of this chapter requiring the payment of special fuel taxes. For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons over prescribed routes in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding twenty-five road miles beyond the corporate limits of the county in which the original starting points of such motor vehicles are located: PROVIDED, That no refunds or credits shall be granted on fuel used by any urban transportation vehicle or vehicle operated pursuant to chapters 81.68 and 81.70 RCW on any trip where any portion of said trip is more than twenty-five road miles beyond the corporate limits of the county in which said trip originated.

Passed the House March 24, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 109

[Substitute House Bill No. 719]

### SCHOOL CLOSURE—EIS NOT REQUIRED—CITIZEN INVOLVEMENT PROCEDURES—HEARINGS

AN ACT Relating to school closures; adding a new section to chapter 43.21C RCW; and adding new sections to chapter 28A.58 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 43.21C RCW a new section to read as follows:

Nothing in RCW 43.21C.030(2)(c) shall be construed to require the preparation of an environmental impact statement or the making of a threshold determination for any decision or any action commenced subsequent to September 1, 1982, pertaining to a plan, program, or decision for the closure of a school or schools or for the school closure portion of any broader policy, plan or program by a school district board of directors.

NEW SECTION. Sec. 2. There is added to chapter 28A.58 RCW a new section to read as follows:

Before any school closure, a school district board of directors shall adopt a policy regarding school closures which provides for citizen involvement



before the school district board of directors considers the closure of any school for instructional purposes. The policy adopted shall include provisions for the development of a written summary containing an analysis as to the effects of the proposed school closure. The policy shall also include a requirement that during the ninety days before a school district's final decision upon any school closure, the school board of directors shall conduct hearings to receive testimony from the public on any issues related to the closure of any school for instructional purposes. The policy shall require separate hearings for each school which is proposed to be closed.

The policy adopted shall provide for reasonable notice to the residents affected by the proposed school closure. At a minimum, the notice of any hearing pertaining to a proposed school closure shall contain the date, time, place, and purpose of the hearing. Notice of each hearing shall be published once each week for two consecutive weeks in a newspaper of general circulation in the area where the school, subject to closure, is located. The last notice of hearing shall be published not later than seven days immediately before the final hearing.

**NEW SECTION.** Sec. 3. There is added to chapter 28A.58 RCW a new section to read as follows:

A school district may close a school for emergency reasons, as set forth in RCW 28A.41.170(2) (a) and (b), without complying with the requirements of section 2 of this act.

Passed the House April 15, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 110

[House Bill No. 741]

### VITAL STATISTICS—AGE 18 AND OVER—DEATH RECORD

AN ACT Relating to vital statistics; and amending section 29.10.090, chapter 9, Laws of 1965 as amended by section 29, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.090.

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

Sec. 1. Section 29.10.090, chapter 9, Laws of 1965 as amended by section 29, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.090 are each amended to read as follows:

The local registrar of vital statistics in cities of the first class shall submit monthly to the county auditor a list of the names and addresses, if known, of all persons over (~~(twenty-one)~~) eighteen years of age who have died.

The registrar of vital statistics of the state shall supply such monthly lists for each county of the state, exclusive of cities of the first class, to the

county auditor thereof. The county auditors shall compare such lists with the registration records and cancel the registrations of deceased voters.

In addition to the above manner of canceling registration records of deceased voters, any registered voter may sign a statement, subject to the penalties of perjury, to the effect that to his personal knowledge or belief another registered voter is deceased. This statement may be filed with any registration officer and the deputy registrar shall promptly forward such statement to the county auditor. Upon the receipt of such signed statement, the county auditor shall cancel the registration records concerned and so notify the secretary of state. Upon receipt of such notice, the secretary of state shall in turn cancel his copy of said registration record.

The secretary of state as chief elections officer shall cause such form to be designed to carry out the provisions of this section. The county auditors shall have such forms available for public use. Further, each such public officer having jurisdiction of an election shall make available a reasonable supply of such forms for the use of the precinct election officers at each polling place on the day of an election.

Passed the House March 28, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 111

[Engrossed House Bill No. 817]

### WORKER'S COMPENSATION—PERSONAL CLOTHING—EQUIPMENT— LOSS OR DAMAGE

AN ACT Relating to industrial insurance; and adding a new section to chapter 51.32 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 51.32 RCW a new section to read as follows:

Workers otherwise entitled to compensation under this title may also claim compensation for loss of or damage to the worker's personal clothing, footwear or protective equipment resulting from the industrial accident or incurred in the course of emergency medical treatment for injuries.

Passed the House March 28, 1983.

Passed the Senate April 14, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 112

[Substitute House Bill No. 855]

## EMERGENCY MEDICAL SERVICES—CERTIFICATION—IMMUNITY

AN ACT Relating to emergency medical services; amending section 2, chapter 305, Laws of 1971 ex. sess. as last amended by section 2, chapter 55, Laws of 1977 and RCW 18.71-.200; amending section 3, chapter 55, Laws of 1977 and RCW 18.71.205; amending section 3, chapter 305, Laws of 1971 ex. sess. as amended by section 4, chapter 55, Laws of 1977 and RCW 18.71.210; amending section 3, chapter 208, Laws of 1973 1st ex. sess. as amended by section 1, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.030; adding a new section to chapter 18.71 RCW; and adding new sections to chapter 18.73 RCW.

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

Sec. 1. Section 2, chapter 305, Laws of 1971 ex. sess. as last amended by section 2, chapter 55, Laws of 1977 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))~~ under the supervision of an approved ~~((licensed physician))~~ medical program director 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))~~ under the supervision of an approved ~~((licensed physician))~~ medical program director 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:

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

(b) Is trained ~~((by))~~ under the supervision of an approved ~~((licensed physician))~~ medical program director:

(i) To carry out all phases of advanced cardiac life support;

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

(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

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

Sec. 2. Section 3, chapter 55, Laws of 1977 and RCW 18.71.205 are each amended 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))~~ services 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))~~ medical program director" 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 administration and management of emergency care and services; and

(c) Is so certified by the department of social and health services for a county or group of counties in coordination with the recommendations of the local medical community and local emergency medical service council.

Sec. 3. Section 3, chapter 305, Laws of 1971 ex. sess. as amended by section 4, chapter 55, Laws of 1977 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 medical service under the responsible supervision and control of a licensed physician or an approved medical program director or delegate(s) to a person who is in 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 medical program director;
- (3) The supervising physician(s);
- ~~((3))~~ (4) Any hospital, the officers, members of the staff, nurses, or other employees of a hospital;
- ~~((4))~~ (5) Any training agency or training physician(s);
- ~~((5))~~ (6) Any licensed ambulance service; or
- ~~((6))~~ (7) A federal, state, county, city or other local governmental unit or employees of such a governmental unit.

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, 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.

NEW SECTION. Sec. 4. There is added to chapter 18.71 RCW a new section to read as follows:

The department of social and health services shall defend and hold harmless approved medical program directors, delegates, or agents for any act or omission committed or omitted in good faith in the performance of administrative nonmedical procedures for certification, recertification, and decertification of physician's trained mobile intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics.

Sec. 5. Section 3, chapter 208, Laws of 1973 1st ex. sess. as amended by section 1, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.030 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as used in this chapter shall have the meanings indicated.

- (1) "Secretary" means the secretary of the department of social and health services.

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

(3) "Committee" means the emergency medical services committee.

(4) "Ambulance" means a vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.

(5) "First aid vehicle" means a vehicle used to carry first aid equipment and individuals trained in first aid or emergency medical procedure.

(6) "Emergency medical technician" means a person who is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.110 as now or hereafter amended.

(7) "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.

(8) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.

(9) "First aid vehicle operator" means a person who owns one or more first aid vehicles and operates them as a private business.

(10) "First aid director" means a person who is a director of a service which operates one or more first aid vehicles provided by a volunteer organization or governmental agency.

(11) "Emergency medical care" or "emergency medical service" means such medical treatment and care which may be rendered to persons injured, sick, or incapacitated in order to reduce the risk of loss of life or aggravation of illness or injury, including care rendered while transporting a patient from an ambulance or other vehicle to an appropriate location within a hospital or other medical facility.

(12) "Communications system" means a radio or landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an emergency medical services system.

(13) "Emergency medical services region" means a region established by the secretary of the department of social and health services pursuant to RCW 18.73.060, as now or hereafter amended.

(14) "Patient care guidelines" mean the written guidelines adopted by ~~((the))~~ local or regional emergency medical services councils ~~((under section 7 of this 1979 act))~~ which direct the care of the emergency patient. These guidelines shall be based upon the assessment of the patient's medical needs and his geographic location, and shall address which medical care vehicles will be dispatched to the scene, what treatment will be provided for serious conditions, which hospital will first receive the patient, and which hospitals are appropriate for transfer if necessary.

(15) "Medical program director" means a person who is an approved medical program director under RCW 18.71.205(4).

(16) "Council" means the local or regional emergency medical services advisory council.

(17) "Basic life support" means emergency medical treatment services.

(18) "Advanced life support" means services requiring advanced emergency medical treatment skills, i.e., intravenous technicians, airway technicians, and paramedics.

(19) "System service area" means an emergency medical service area that develops because of trade, patient catchment, market, or other factors and may include county or multicounty boundaries.

(20) "First responder" means a person who is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.205.

NEW SECTION. Sec. 6. There is added to chapter 18.73 RCW a new section, to be designated RCW 18.73.205, to read as follows:

(1) The secretary shall specify the level of knowledge required to qualify as a first responder and shall issue a certificate of qualification to those eligible applicants who (a) pass a written and practical examination given under the secretary's direction and who (b) provide proof of having graduated, with satisfactory performance, from a course of instruction of not less than forty-four hours, approved by the secretary. Reciprocity may be arranged, in granting first responder certificates, with a national certifying organization whose standards are at least equal to those established by the secretary.

(2) The certificate shall be valid for a period of three years and may be renewed at the expiration thereof (a) upon proof that the holder has met postcertification continuing education requirements adopted by the secretary and (b) upon passing an examination approved by the secretary.

NEW SECTION. Sec. 7. There is added to chapter 18.73 RCW a new section to read as follows:

A medical program director shall be responsible for:

(1) The medical matters pertaining to the emergency medical services system in a county or group of counties;

(2) The training or the supervision of training for basic life support personnel; and

(3) The medical control of basic life support personnel.

The training and medical control aspects may be delegated to the training physician(s) or supervisory physician(s).

NEW SECTION. Sec. 8. There is added to chapter 18.73 RCW a new section to read as follows:

(1) A county or group of counties may create a local emergency medical services advisory council composed of persons representing health services providers, consumers, and local government agencies involved in the delivery of emergency medical services.

(2) Regional emergency medical services advisory councils shall be created by the department with representatives from the local emergency medical services councils within the region and whose representation is determined by the local council.

(3) Power and duties of the councils are as follows:

(a) Local emergency medical services advisory councils shall review and evaluate the provision of emergency medical services in the community/system service area, and provide recommendations to the regional emergency medical services advisory councils on standards and matters relating to emergency medical services.

(b) Regional emergency medical services advisory councils shall make recommendations to the department on projects, programs, and legislation needed to improve emergency medical services in the state.

Passed the House March 30, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

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CHAPTER 113

[Substitute Senate Bill No. 3197]

MASTECTOMY—INSURANCE COVERAGE

AN ACT Relating to insurance; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 48.20 RCW a new section to read as follows:

Any disability insurance contract providing hospital and medical expenses and health care services delivered or issued in this state after the effective date of this act shall provide coverage for reconstructive breast surgery resulting from a mastectomy which resulted from disease, illness, or injury.

NEW SECTION. Sec. 2. There is added to chapter 48.21 RCW a new section to read as follows:

Each group disability insurance contract issued or renewed after the effective date of this act which insures for hospital or medical care shall provide coverage for reconstructive breast surgery resulting from a mastectomy which resulted from disease, illness, or injury.

NEW SECTION. Sec. 3. There is added to chapter 48.44 RCW a new section to read as follows:

Each contract for health care entered into or renewed after the effective date of this act between a health care services contractor and the person or



persons to receive the care shall provide coverage for reconstructive breast surgery resulting from a mastectomy which resulted from disease, illness, or injury.

NEW SECTION. Sec. 4. There is added to chapter 48.46 RCW a new section to read as follows:

Any health care service plan issued, amended, or renewed after the effective date of this act shall provide coverage for reconstructive breast surgery resulting from a mastectomy which resulted from disease, illness, or injury.

Passed the Senate February 15, 1983.

Passed the House April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

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## CHAPTER 114

[Substitute Senate Bill No. 4034]

### MOTOR VEHICLE FUEL—DECEPTIVE PRICING

AN ACT Relating to motor vehicle and special fuels; adding a new section to chapter 9.04 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is added to chapter 9.04 RCW a new section to read as follows:

It is unlawful for any dealer or service station, as both are defined in RCW 82.36.010, to advertise by publication, dissemination, display, or whatever means:

(1) A price per unit of fuel that is expressed in a unit of measurement different from that employed by the pump or other device used to dispense the fuel, unless the price is advertised for both units of measurement in the same fashion; or

(2) A price per unit of fuel that is conditioned upon the purchase of another product, unless the conditional language, name, and price of the other product are clearly expressed in the advertisement in characters at least one-half the height of the characters used to advertise the fuel price.

Violation of this section is a misdemeanor and is subject to the provisions of RCW 9.04.060 through 9.04.080.

***\*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.***

**\*Sec. 2. was vetoed, see message at end of chapter.**

Passed the Senate March 29, 1983.

Passed the House April 15, 1983.

Approved by the Governor April 22, 1983, with the exception of section 2, which is vetoed.

Filed in Office of Secretary of State April 22, 1983.

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. 4034, entitled:

"AN ACT Relating to motor vehicle and special fuels" and adding a new section to chapter 9.04 RCW; prescribing penalties; and declaring an emergency.

This worthy bill will protect gasoline consumers by prohibiting deceptive advertising of gasoline prices. Section 2, however, which would make the bill effective immediately, could cause affected gasoline dealers to be in violation of the law without knowing it. In order to give those people fair warning of the new provisions in this bill, I have vetoed section 2.

With the exception of section 2, which I have vetoed, Substitute Senate Bill No. 4034 is approved."

## CHAPTER 115

[Engrossed Substitute House Bill No. 297]

### SENTENCING GUIDELINES—PROSECUTING STANDARDS

AN ACT Relating to the sentencing of criminal offenders; and adding new sections to chapter 9.94A RCW.

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

**NEW SECTION.** Sec. 1. The following portions of the report to the legislature dated January 10, 1983, by the sentencing guidelines commission of the state of Washington and as set forth in sections 2 through 16 of this act are approved as modified by the legislature to take effect on July 1, 1984:

(1) The sentencing guidelines contained in tables 1, 2, and 3 and in part V; and

(2) The prosecuting standards for charging and plea dispositions contained in part VI.

**NEW SECTION.** Sec. 2.

TABLE 1  
Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
<b>XIV</b>	Life Sentence without Parole/Death Penalty									
<b>XIII</b>	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
<b>XII</b>	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
<b>XI</b>	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 180- 240
<b>X</b>	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
<b>IX</b>	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171
<b>VIII</b>	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
<b>VII</b>	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116
<b>VI</b>	13m 12+- 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102

SERIOUSNESS  
SCORE

## OFFENDER SCORE

	0	1	2	3	4	5	6	7	8	9 or more
V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
	6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
	12	14	17	20	29	43	54	68	82	96
IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
	3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
	9	12	14	17	20	29	43	57	70	84
III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
	1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
	3	8	12	12	16	22	29	43	57	68
II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
	0-90 Days	2-	3-	4-	12+-	14-	17-	22-	33-	43-
		6	9	12	14	18	22	29	43	57
I			3m	4m	5m	8m	13m	16m	20m	2y2m
	0-60 Days	0-90 Days	2-	2-	3-	4-	12+-	14-	17-	22-
			5	6	8	12	14	18	22	29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

Additional time added to the presumptive sentence if the offender was armed with a deadly weapon as defined in this chapter:

24 months (Rape 1, Robbery 1, Kidnaping 1)

18 months (Burglary 1)

12 months (Assault 2, Escape 1, Kidnaping 2, Burglary 2 of a building other than a dwelling)

NEW SECTION. Sec. 3.

TABLE 2

## CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV Aggravated Murder 1 (RCW 10.95.020)

XIII Murder 1 (RCW 9A.32.030)

XII Murder 2 (RCW 9A.32.050)

- XI Assault 1 (RCW 9A.36.010)
- X Kidnaping 1 (RCW 9A.40.020)  
Rape 1 (RCW 9A.44.040)
- IX Robbery 1 (RCW 9A.56.200)  
Manslaughter 1 (RCW 9A.32.060)  
Statutory Rape 1 (RCW 9A.44.070)
- VIII Arson 1 (RCW 9A.48.020)  
Rape 2 (RCW 9A.44.050)  
Promoting Prostitution 1 (RCW 9A.88.070)
- VII Burglary 1 (RCW 9A.52.020)  
Negligent Homicide (RCW 46.61.520)  
Introducing Contraband 1 (RCW 9A.76.140)
- VI Bribery (RCW 9A.68.010)  
Manslaughter 2 (RCW 9A.32.070)  
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- V Statutory Rape 2 (RCW 9A.44.080)  
Kidnaping 2 (RCW 9A.40.030)  
Extortion 1 (RCW 9A.56.120)  
Indecent Liberties (RCW 9A.44.100)
- IV Robbery 2 (RCW 9A.56.210)  
Assault 2 (RCW 9A.36.020)  
Escape 1 (RCW 9A.76.110)  
Arson 2 (RCW 9A.48.030)  
Bribing a Witness/Bribe Received by Witness (RCW 9A.72-.090, 9A.72.100)  
Malicious Harassment (RCW 9A.36.080)  
Wilful Failure to Return from Furlough (RCW 72.66.060)  
Incest 1 (RCW 9A.64.020(1))
- III Rape 3 (RCW 9A.44.060)  
Statutory Rape 3 (RCW 9A.44.090)  
Incest 2 (RCW 9A.64.020(2))  
Extortion 2 (RCW 9A.56.130)  
Unlawful Imprisonment (RCW 9A.40.040)  
Assault 3 (RCW 9A.36.030)  
Promoting Prostitution 2 (RCW 9A.88.080)  
Introducing Contraband 2 (RCW 9A.76.150)  
Communicating with a Minor for Immoral Purposes (RCW 9A.44.110)  
Escape 2 (RCW 9A.76.120)  
Perjury 2 (RCW 9A.72.030)  
Intimidating a Public Servant (RCW 9A.76.180)

- Tampering with a Witness (RCW 9A.72.120)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Livestock (RCW 9A.56.080)
- Welfare Fraud (RCW 74.08.055)
- Burglary 2 (RCW 9A.52.030)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Auto Theft (Taking and Riding) (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Eluding a Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Bank Checks (RCW 9A.56.060)

NEW SECTION. Sec. 4.

TABLE 3  
OFFENDER SCORE MATRIX

Prior Adult Convictions					
Current Offenses	Serious Violent	Burglary 1	Other Violent	Negligent Homicide	Escape
Serious Violent	3	2	2	1	1
Burglary 1	2	2	2	1	1
Other Violent	2	2	2	1	1
Negligent Homicide	0	0	0	1	0
Escape	0	0	0	0	1
Burglary 2	1	2	1	1	1
Other Non-Violent	1	1	1	1	1

  

Current Offenses	Burglary 2	Felony Hit-and-Run	Serious Traffic	Other Non-Violent
Serious Violent	1	1	0	1
Burglary 1	2	1	0	1
Other Violent	1	1	0	1
Negligent Homicide	0	1	1	0
Escape	0	0	0	0

Current Offenses	Burglary 2	Felony Hit-and-Run	Serious Traffic	Other Non-Violent
Burglary 2	2	1	0	1
Other Non-Violent	1	1	0	1

Prior Juvenile Convictions

Current Offenses	Serious Violent	Burglary 1	Other Violent	Negligent Homicide	Escape
Serious Violent	3	2	2	1/2	1/2
Burglary 1	2	2	2	1/2	1/2
Other Violent	2	2	2	1/2	1/2
Negligent Homicide	0	0	0	1/2	0
Escape	0	0	0	0	1/2
Burglary 2	1	2	1	1/2	1/2
Other Non-Violent	1	1	1	1/2	1/2

Current Offenses	Burglary 2	Felony Hit-and-Run	Serious Traffic	Other Non-Violent
Serious Violent	1/2	1/2	0	1/2
Burglary 1	1	1/2	0	1/2
Other Violent	1/2	1/2	0	1/2
Negligent Homicide	0	1/2	1/2	0
Escape	0	0	0	0
Burglary 2	1	1/2	0	1/2
Other Non-Violent	1/2	1/2	0	1/2

Definitions: Serious Violent: Murder 1, Murder 2, Assault 1, Kidnaping 1, Rape 1  
 Escape: Escape 1, Escape 2, Willful Failure to Return From Work Release or Furlough  
 Serious Traffic: Driving While Intoxicated, Actual Physical Control, Reckless Driving, Hit-and-Run

V. RECOMMENDED SENTENCING GUIDELINES

NEW SECTION. Sec. 5. The sentencing guidelines and prosecuting standards apply equally to offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the defendant.

NEW SECTION. Sec. 6. OFFENSE SERIOUSNESS LEVEL. The offense seriousness level is determined by the offense of conviction. Felony

offenses are divided into fourteen levels of seriousness, ranging from low (seriousness level I) to high (seriousness level XIV – see section 3 of this act (Table 2)).

**NEW SECTION. Sec. 7. OFFENDER SCORE.** The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are summarized in Table 3, section 4 of this act.

The offender score is computed in the following way:

(1) Include juvenile felony convictions if the offender was 15 or older at the time the offense was committed and the offender was 23 or less at the time the offense for which he or she is being sentenced was committed.

(2) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories.

(3) If the present conviction is for a violent offense (as defined in RCW 9.94A.110) and not covered in subsection (2) of this section, count two points for each prior adult and juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony conviction (rounding down for uneven scores).

(4) If the present conviction is for Burglary (1 or 2), count two points for each prior adult Burglary conviction. Count two points for each prior juvenile Burglary 1, and one point for each prior juvenile Burglary 2 conviction.

(5) If the present conviction is for a nonviolent offense (as defined in RCW 9.94A.110), count one point for each prior adult felony conviction and one point for each prior juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony (rounding down for uneven scores).

(6) If the present conviction is for escape, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point (rounding down for uneven scores).

(7) If the present conviction is for Negligent Homicide, only count the following crimes as part of the offender score: Negligent Homicide, Felony Hit and Run (RCW 46.52.020(4)), Hit and Run (RCW 46.52.020(5)), Driving While Intoxicated (RCW 46.61.502), Actual Physical Control (RCW 46.61.504), Reckless Driving (RCW 46.61.500). Count each adult prior conviction as one point and each juvenile prior conviction as 1/2 point (rounding down for uneven scores).

(8) In the case of multiple prior convictions for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. The conviction for the most serious offense, using the seriousness levels to define most serious, is scored.

(9) Class A prior felony convictions are always included in the offender score. Class B prior felony convictions are not included if the offender has



spent ten years in the community and has not been convicted of any felonies. Class C prior felony convictions and serious traffic convictions as defined in section 4 of this act are not included if the offender has spent five years in the community and has not been convicted of any felonies. This subsection applies to both adult and juvenile prior convictions.

The designation of out-of-state convictions shall be covered by the offense definitions and sentences provided by Washington law.

The offender score is the sum of points accrued under subsections (1) through (9) of this section.

**NEW SECTION. Sec. 8. PRESUMPTIVE SENTENCE.** The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see section 2 of this act, (Table 1)). The judge may sentence anywhere within this range. Except in decisions concerning first-time, nonviolent offenders, any sentence imposed by a sentencing judge which is outside the presumptive range is a departure from the guidelines, requires written reasons from the judge, and is reviewable on appeal.

In determining any sentence, the trial judge may use no more information than is admitted by the plea agreement, and admitted to or acknowledged at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the judge must either not consider the fact or grant an evidentiary hearing on the point. The real facts shall be deemed proven at the evidentiary hearing by a preponderance of the evidence. Real facts which establish elements of a higher crime, a more serious crime, or additional crimes cannot be used to go outside the guidelines except upon stipulation.

**NEW SECTION. Sec. 9. ALTERNATIVE CONVERSIONS.** For sentences of nonviolent offenders for less than one year, the court shall consider and give priority to available alternatives to total confinement and shall justify its reasons if they are not used.

With the exception of the first-time offender, the judge shall establish the sentence in terms of total confinement. This sentence can be converted as follows: One day of partial confinement or eight hours of community service can replace one day of total confinement. The community service conversion is limited to 240 hours or 30 working days. In addition, the judge can impose up to one year of community supervision to ensure that the terms of the alternative sentence are met. Fines can be assessed according to the following formula:

Class A felonies	\$0 – 50,000
Class B felonies	\$0 – 20,000
Class C felonies	\$0 – 10,000

**NEW SECTION. Sec. 10. DEPARTURES FROM THE GUIDELINES.** The presumptive sentence shall be the midpoint of the standard

range as established by the crime of conviction and any applicable enhancements. The sentencing court shall impose the presumptive sentence or other sentence within the indicated standard range that it determines to be appropriate. If the court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the court may impose any sentence it deems appropriate within the statutory term. If the court sentences outside the standard range, it shall set forth its justification for doing so in written findings and conclusions, and any sentence outside the standard range shall be subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence:

#### Mitigating Circumstances

(1) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(2) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(3) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(4) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(5) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(6) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

#### Aggravating Circumstances

(1) The defendant's conduct during the commission of the offense manifested deliberate cruelty to the victim.

(2) The defendant knew or should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(3) The offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(a) The offense involved multiple victims or multiple incidents per victim;

(b) The offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(c) The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

(d) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the offense.

(4) The offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify an offense as a major VUCSA:

(a) The offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

(b) The offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

(c) The offense involved the manufacture of controlled substances for use by other parties; or

(d) The offender possessed a firearm during the commission of the offense; or

(e) The circumstances of the offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

(f) The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(g) The offender used his or her position or status to facilitate the commission of the offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

The above considerations are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

**NEW SECTION. Sec. 11. CONSECUTIVE/CONCURRENT SENTENCES.** (1) Whenever a person is convicted of two or more offenses, at least one of which is a violent offense, and the offenses arise out of separate and distinct criminal transactions, the sentences imposed shall run consecutively; provided that under this section, the presumptive sentence only for the most serious offense shall be determined by using the offender's actual criminal history score whereas the presumptive sentences for all other offenses shall be determined by using a criminal history score of zero.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

(3) Whenever a person is convicted of two or more offenses, and either: (a) All of the offenses are nonviolent and they arise out of separate and distinct criminal transactions; or (b) at least one of the offenses is a violent offense but they all arise out of the same criminal transaction, the sentences imposed shall run concurrently; provided that the presumptive sentence for

the most serious offense shall be enhanced by counting all other current offenses as prior offenses for purposes of calculating the criminal history score.

(4) Whenever a person is convicted of two or more nonviolent offenses which all a. out of the same criminal transaction, the sentences imposed shall run concurrently.

**NEW SECTION.** Sec. 12. **CONVICTIONS FOR ATTEMPTS OR CONSPIRACIES.** For persons convicted of attempted offenses or conspiracies to commit an offense, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the conviction, and multiplying the range by 75 percent.

**NEW SECTION.** Sec. 13. **PRESUMPTIVE RANGES THAT EXCEED THE STATUTORY MAXIMUM.** If the presumptive sentence duration given in the sentencing grid exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence.

## VI. RECOMMENDED PROSECUTING STANDARDS FOR CHARGING AND PLEA DISPOSITIONS

**NEW SECTION.** Sec. 14. **INTRODUCTION.** These standards are intended solely for the guidance of prosecutors in the State of Washington. They are not intended to, do not and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state.

**NEW SECTION.** Sec. 15. **EVIDENTIARY SUFFICIENCY.** (1) Decision not to prosecute.

**STANDARD:** A Prosecuting Attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

### **GUIDELINE/COMMENTARY:**

#### **Examples**

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) **Contrary to Legislative Intent** – It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) **Antiquated Statute** – It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation – It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges – It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge – It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution – It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant – It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity – It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request – It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

**Notification**

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

**STANDARD:**

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See Table 13 for the crimes within these categories.

**TABLE 13**

**CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS**

**CRIMES AGAINST PERSONS**

- Aggravated Murder
- 1st Degree Murder
- 2nd Degree Murder
- 1st Degree Kidnaping
- 1st Degree Assault
- 1st Degree Rape
- 1st Degree Robbery
- 1st Degree Statutory Rape
- 1st Degree Arson
- 2nd Degree Kidnaping
- 2nd Degree Assault
- 2nd Degree Rape
- 2nd Degree Robbery
- 1st Degree Burglary
- 1st Degree Manslaughter
- 2nd Degree Manslaughter
- 1st Degree Extortion

Indecent Liberties  
 2nd Degree Statutory Rape  
 Incest  
 Negligent Homicide  
 3rd Degree Rape  
 3rd Degree Statutory Rape  
 2nd Degree Extortion  
 1st Degree Promoting Prostitution  
 Intimidating a Juror  
 Communication with a Minor  
 Intimidating a Witness  
 Intimidating A Public Servant  
 Bomb Threat (if against person)  
 3rd Degree Assault  
 Unlawful Imprisonment  
 Promoting a Suicide Attempt  
 Riot (if against person)

#### CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson  
 1st Degree Escape  
 2nd Degree Burglary  
 1st Degree Theft  
 1st Degree Perjury  
 1st Degree Introducing Contraband  
 1st Degree Possession of Stolen Property  
 Bribery  
 Bribing a Witness  
 Bribe received by a Witness  
 Bomb Threat (if against property)  
 1st Degree Malicious Mischief  
 2nd Degree Theft  
 2nd Degree Escape  
 2nd Degree Introducing Contraband  
 2nd Degree Possession of Stolen Property  
 2nd Degree Malicious Mischief  
 1st Degree Reckless Burning  
 Taking a Motor Vehicle without Authorization  
 Forgery  
 Welfare Fraud  
 2nd Degree Perjury  
 2nd Degree Promoting Prostitution  
 Tampering with a Witness  
 Trading in Public Office

Trading in Special Influence  
 Receiving/Granting Unlawful Compensation  
 Bigamy  
 Eluding a Police Vehicle  
 Wilful Failure to Return from Furlough  
 Riot (if against property)  
 Thefts of Livestock

#### ALL OTHER UNCLASSIFIED FELONIES

##### Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (a) Charging a higher degree;
- (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

##### GUIDELINES/COMMENTARY:

##### Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

##### Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and



(2) The suspect presents a danger to the community or is likely to flee if not apprehended; or

(3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

#### Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

#### Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

#### NEW SECTION. Sec. 16. PLEA DISPOSITIONS.

**STANDARD:** (1) Except as provided in subsection (2) of this section, a defendant will normally be expected to plead guilty to the charge or charges which adequately describe the nature of his or her criminal conduct or go to trial.

(2) In certain circumstances, a plea agreement with a defendant in exchange for a plea of guilty to a charge or charges that may not fully describe the nature of his or her criminal conduct may be necessary and in the public interest. Such situations may include the following:

(a) Evidentiary problems which make conviction on the original charges doubtful;

(b) The defendant's willingness to cooperate in the investigation or prosecution of others whose criminal conduct is more serious or represents a greater public threat;

(c) A request by the victim when it is not the result of pressure from the defendant;

(d) The discovery of facts which mitigate the seriousness of the defendant's conduct;

(e) The correction of errors in the initial charging decision;

(f) The defendant's history with respect to criminal activity;

(g) The nature and seriousness of the offense or offenses charged;

(h) The probable effect on witnesses.

#### NEW SECTION. Sec. 17. SENTENCE RECOMMENDATIONS.

**STANDARD:**

The prosecutor may reach an agreement regarding sentence recommendations.

The prosecutor shall not agree to withhold relevant information from the court concerning the plea agreement.

NEW SECTION. Sec. 18. Sections 1 through 17 of this act shall be added to chapter 9.94A RCW.

Passed the House April 13, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 116

{Engrossed Substitute House Bill No. 309}  
PHYSICAL THERAPISTS—LICENSING

AN ACT Relating to physical therapists; amending section 1, chapter 239, Laws of 1949 as amended by section 1, chapter 64, Laws of 1961 and RCW 18.74.010; amending section 2, chapter 239, Laws of 1949 as last amended by section 62, chapter 158, Laws of 1979 and RCW 18.74.020; amending section 3, chapter 239, Laws of 1949 as amended by section 2, chapter 64, Laws of 1961 and RCW 18.74.030; amending section 3, chapter 64, Laws of 1961 and RCW 18.74.035; amending section 4, chapter 239, Laws of 1949 and RCW 18.74.040; amending section 5, chapter 239, Laws of 1949 as last amended by section 65, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.050; amending section 6, chapter 239, Laws of 1949 as last amended by section 66, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.060; amending section 7, chapter 239, Laws of 1949 as last amended by section 67, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.070; amending section 8, chapter 239, Laws of 1949 as amended by section 7, chapter 64, Laws of 1961 and RCW 18.74.080; amending section 9, chapter 239, Laws of 1949 as amended by section 8, chapter 64, Laws of 1961 and RCW 18.74.090; amending section 9, chapter 64, Laws of 1961 and RCW 18.74.095; amending section 10, chapter 239, Laws of 1949 and RCW 18.74.100; amending section 12, chapter 239, Laws of 1949 as last amended by section 63, chapter 158, Laws of 1979 and RCW 18.74.120; adding new sections to chapter 18.74 RCW; repealing section 11, chapter 239, Laws of 1949 and RCW 18.74.110; and prescribing penalties.

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

NEW SECTION. Sec. 1. There is added to chapter 18.74 RCW a new section to read as follows:

In order to safeguard the public safety and welfare, to protect the public from being misled by incompetent, unethical, and unauthorized persons, and to assure the highest degree of professional conduct and competency, it is the purpose of this chapter to strengthen existing regulation of persons offering physical therapy services to the public.

Sec. 2. Section 1, chapter 239, Laws of 1949 as amended by section 1, chapter 64, Laws of 1961 and RCW 18.74.010 are each amended to read as follows:

((In this chapter,)) Unless the context otherwise requires((:)), the definitions in this section apply throughout this chapter.

(1) "Board" means the board of physical therapy created by RCW 18.74.020.

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

(3) "Director" means the director of licensing.

(4) "Physical therapy" means the treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, (~~(or)~~) cold, air, light, water, electricity, sound, massage, and therapeutic exercise, which includes posture and rehabilitation procedures(~~(, or)~~); the performance of tests and measurements of neuro muscular function as an aid to the diagnosis or treatment of any human condition; performance of treatments on the basis of test findings after consultation with and periodic review by an authorized health care practitioner; supervision of selective forms of treatment by trained supportive personnel; and provision of consultative services for health, education, and community agencies. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, (~~and~~) the use of electricity for surgical purposes, including cauterization, and chiropractic practices as defined by RCW 18.25.005, which include the adjustment or manipulation of the articulations of the spine and its immediate articulations or mobilization of these articulations by use of a thrusting force, are not ((authorized)) included under the term "physical therapy" as used in this chapter.

~~((2))~~ (5) "Physical therapist" means a person who practices physical therapy as defined in this chapter (~~(under the prescription, and direction of a person licensed in this state to practice medicine and surgery)~~) but does not include massage operators as defined in RCW 18.108.010.

~~((3))~~ (6) Words importing the masculine gender may be applied to females.

(7) "Authorized health care practitioner" means and includes licensed physicians, osteopathic physicians, chiropractors, naturopaths, podiatrists, and dentists: PROVIDED, HOWEVER, That nothing herein shall be construed as altering the scope of practice of such practitioners as defined in their respective licensure laws.

Sec. 3. Section 2, chapter 239, Laws of 1949 as last amended by section 62, chapter 158, Laws of 1979 and RCW 18.74.020 are each amended to read as follows:

The state (~~(examining committee)~~) board of physical (~~(therapists)~~) therapy is hereby created. The (~~(examining committee)~~) board shall consist of (~~(not less than three)~~) five members who shall be appointed by the governor (~~(from a list submitted to him by the Washington state chapter of the American Physical Therapy Association for a term of three years each. Each)~~). Of the initial appointments, two shall be appointed for a term of two years, two for a term of three years, and one for a term of four years. Thereafter, all appointments shall be for terms of four years. Four members of ((said examining committee)) the board shall be ((a registered)) physical

therapists ~~((, a resident of))~~ licensed under this chapter and residing in this state, ((and)) shall have not less than five years' experience in the practice of physical therapy ((immediately preceding his appointment)), and shall be actively engaged in ((the)) practice ((of physical therapy during his incumbency. On or before July 1, 1949, three members shall be appointed by the governor, one member to serve for one, two and three years respectively. On the first day of January of each succeeding year one member shall be appointed for three years)) within two years of appointment. The fifth member shall be appointed from the public at large, shall have an interest in the rights of consumers of health services, and shall not be or have been a member of any other licensing board, a licensee of any health occupation board, an employee of any health facility nor derive his primary livelihood from the provision of health services at any level of responsibility. In the event that a member of the ((examining committee)) board for any reason cannot complete his term of office, another appointment shall be made by the governor in accordance with the procedure stated above to fill the remainder of the term. No member may serve for more than two successive ((three)) four-year terms.

~~((The examining committee shall have the power to make such rules not inconsistent with the law which may be necessary for the performance of its duties:))~~ The director of licensing shall furnish such secretarial, clerical and other assistance as the board may require. Each member of the ~~((examining committee))~~ board shall, in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, receive compensation ~~((in an amount))~~ for each day actually engaged in the discharge of his duties: PROVIDED, HOWEVER, That such compensation shall not exceed ~~((twenty-five))~~ fifty dollars per day.

~~((It shall be the duty of the examining committee to pass upon the qualifications of applicants for registration, prepare the necessary lists of examination questions, conduct all examinations, determine the applicants who successfully pass examination and notify the director of licensing to that effect:))~~

NEW SECTION. Sec. 4. There is added to chapter 18.74 RCW a new section to read as follows:

The board has the following powers and duties:

- (1) To administer examinations to applicants for a license under this chapter.
- (2) To pass upon the qualifications of applicants for a license and to certify to the director duly qualified applicants.
- (3) To approve, deny, restrict, suspend, or revoke authorization to practice under this chapter.
- (4) To make such rules not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter.

(5) To establish and administer requirements for continuing professional education as may be necessary or proper to ensure the public health and safety and which may be a prerequisite to granting and renewing a license under this chapter.

(6) To establish rules fixing standards of professional conduct.

(7) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

(8) To adopt rules not inconsistent with the laws of this state, when it deems appropriate, in response to questions put to it by professional health associations, physical therapists, and consumers in this state concerning the authority of physical therapists to perform particular acts.

NEW SECTION. Sec. 5. There is added to chapter 18.74 RCW a new section to read as follows:

The board shall elect from its members a chairperson and vice chairperson-secretary, who shall serve for one year and until their successors are elected. The board shall meet at least once a year and upon the call of the chairperson at such times and places as the chairperson designates. Three members constitute a quorum of the full board for the transaction of any business. Meetings of the board shall be open and public, except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

Sec. 6. Section 3, chapter 239, Laws of 1949 as amended by section 2, chapter 64, Laws of 1961 and RCW 18.74.030 are each amended to read as follows:

An applicant for (~~registration~~) a license as a physical therapist shall have the following minimum qualifications:

(1) Be of good moral character; and

(2) ~~Have obtained ((a high school education or its equivalent as determined by the examining committee; and~~

~~(3) have been graduated by a school of physical therapy approved by the examining committee. No school shall be approved unless it requires four academic years of collegiate instruction, including adequate instructions on the subjects listed in RCW 18.74.035; or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation))~~ either (a) a baccalaureate degree in physical therapy from an institution of higher learning approved by the board or (b) a baccalaureate degree from an institution of higher learning and a certificate or advanced degree from a school of physical therapy approved by the board.

The applicant shall present proof of qualification to the board in the manner and on the forms prescribed by it.

Sec. 7. Section 3, chapter 64, Laws of 1961 and RCW 18.74.035 are each amended to read as follows:

All qualified applicants for ~~((registration))~~ a license as a physical therapist shall be examined by the ~~((examining committee))~~ board at such time and place as the ~~((committee))~~ board may determine. ~~((Such))~~ The examination shall embrace the following subjects: The applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics; physical therapy, as defined in this chapter, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; technical procedures in the practice of physical therapy as defined in this chapter; and such other subjects as the board may deem useful to test the applicant's fitness to practice physical therapy ~~((: PROVIDED, That any person who applies for registration on or before September 1, 1961, and establishes to the satisfaction of the examining committee that he at the time of application, (1) Meets the qualifications for a physical therapist as set forth in RCW 18.74.030, or (2) has passed the professional examination for physical therapists given by the American Physical Therapy Association, or (3) has practiced in the state of Washington as a physical therapist as defined in this chapter for a continuous period of three years or more, and who, at the time of application, was practicing as a physical therapist in the state of Washington or who is currently registered as a physical therapist in the state of Washington, shall be issued a certificate of registration without examination)),~~ but not including the adjustment or manipulation of the spine or use of a thrusting force as mobilization. Examinations shall be held within the state at least once a year, at such time and place as the board shall determine. An applicant who fails an examination may apply for re-examination upon payment of a reexamination fee determined by the director.

Sec. 8. Section 4, chapter 239, Laws of 1949 and RCW 18.74.040 are each amended to read as follows:

The director of licensing shall ~~((register))~~ license as a physical therapist, and shall furnish a ~~((certificate of registration))~~ license to ~~((;))~~ each applicant who successfully passes the examination for ~~((registration))~~ licensure as a physical therapist.

Sec. 9. Section 5, chapter 239, Laws of 1949 as last amended by section 65, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.050 are each amended to read as follows:

The director shall furnish a ~~((certificate of registration))~~ license upon the authority of the ~~((examining committee as follows:~~

~~(1) A certificate of registration shall be issued))~~ board to any person who applies ~~((for such registration))~~ and who has qualified under the provisions of this chapter. At the time of ~~((making such application such))~~ applying, the applicant shall pay to the state treasurer a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, provided no person ~~((previously))~~ registered or licensed on the effective date of

this 1983 act as a physical therapist shall be required to pay an additional fee for ~~((registration))~~ a license under this chapter.

~~((2) A probational certificate of registration may be issued to any domestic trained physical therapist who has credentials acceptable to the Washington state examining committee of physical therapists and who pays the required Washington state registration fee. Such probational certificate of registration shall be available to an applicant only with respect to his first application for registration, and such certificate of registration shall expire when the examining committee publishes the results of the first Washington state examination for registration for which applicant is eligible under the regulations of the examining committee.~~

~~(3) A probational certificate of registration may be issued for a period of one year to a foreign trained physical therapist who (a) makes the required application for registration, (b) holds a diploma from a foreign school of physical therapy, (c) presents credentials as required by the Washington state examining committee of physical therapists which establish professional qualifications substantially equivalent to those required of domestic trained physical therapists, and (d) pays the required Washington state registration fee. A person holding a probational certificate may practice physical therapy solely under the supervision of a person registered as a physical therapist under this chapter. Such probational certificate of registration shall be available to an applicant only with respect to his first application for registration. Such certificate of registration shall be continued until the examining committee publishes the results of the first Washington state examination for registration held after the period for which the certificate was originally issued.~~

~~(4) A regular certificate of registration may be issued to a foreign trained physical therapist who fulfills the above requirements in subsection (3) of this section and who passes the Washington state examination for registration.~~

~~(5) A temporary certificate of registration limited to six months may be issued, without examination, to any person who submits satisfactory evidence to the examining committee that he is in this state on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project, and who meets the qualifications for a physical therapist as set forth in RCW 18.74.030.)~~

Sec. 10. Section 6, chapter 239, Laws of 1949 as last amended by section 66, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.060 are each amended to read as follows:

Upon the recommendation of the ~~((examining committee))~~ board, the director shall ~~((register))~~ license as a physical therapist and shall furnish a ~~((certificate of registration))~~ license to any person who is a physical therapist registered or licensed under the laws of another state or territory, or the District of Columbia, if the qualifications for such registration or license

required of the applicant were substantially equal to the requirements under this chapter ~~((and such person has practiced in such other state or territory or the District of Columbia for at least one year prior to application))~~. At the time of making application, ~~((such))~~ the applicant shall pay to the state treasurer a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

**NEW SECTION.** Sec. 11. There is added to chapter 18.74 RCW a new section to read as follows:

Any person holding a valid license or certificate of registration to practice physical therapy issued by authority of this state prior to the effective date of this 1983 act shall be issued a license under this chapter.

Sec. 12. Section 7, chapter 239, Laws of 1949 as last amended by section 67, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.070 are each amended to read as follows:

Every ~~((registered))~~ licensed physical therapist shall ~~((during the month of January;))~~ apply to the director for a renewal of ~~((his registration))~~ the license and pay to the state treasurer a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended ~~((to the state treasurer. Registration that is not so made before February 1st of every year;))~~. The license of a physical therapist who fails to renew the license within thirty days of the date set by the director for renewal shall automatically lapse. ((Upon the recommendation of the examining committee the director shall revive a lapsed registration on the payment of all past unpaid renewal fees)) Within three years from the date of lapse and upon the recommendation of the board, the director may revive a lapsed license upon the payment of all past unpaid renewal fees and a penalty fee to be determined by the director. The board may require reexamination of an applicant whose license has lapsed for more than three years and who has not continuously engaged in lawful practice in another state or territory, or waive reexamination in favor of evidence of continuing education satisfactory to the board.

Sec. 13. Section 8, chapter 239, Laws of 1949 as amended by section 7, chapter 64, Laws of 1961 and RCW 18.74.080 are each amended to read as follows:

After a hearing and upon the recommendation of the board, the director of licensing shall refuse to grant ((registration)) a license to any physical therapist or shall restrict, suspend, or revoke the ((registration)) license of any physical therapist if ((he)) the physical therapist:

- (1) ~~((is habitually drunk or is addicted to the use of narcotic drugs; (2)))~~ Has been ((convicted of)) found guilty of a felony for violating any state or federal ((narcotics)) drug or controlled substance law;
- ~~((3))~~ (2) Has been ((convicted)) found guilty of any crime involving moral turpitude;



~~((4))~~ (3) Has obtained or attempted to obtain ((registration)) a license by fraud, deceit, or material misrepresentation;

~~((5) has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane; or~~

~~((6))~~ (4) Is found guilty of fraud, deceit, or ((gross)) negligence or incompetency in the practice of physical therapy or in the supervision of supportive personnel engaged in physical therapy which results in serious harm to a patient, or any act derogatory to the ((standing and morals of the)) profession of physical therapy((; including the treatment or undertaking to treat ailments of human beings otherwise than by physical therapy and as authorized by this chapter, and the undertaking to practice independent of the prescription, and direction of a person licensed in this state to practice medicine and surgery.));

(5) Has entered into a contract or arrangement which provides for the payment of an unearned fee to a person following the referral of a patient;

(6) Has knowingly engaged in an act which, before it was committed, had been determined to be beyond the scope of the practice of physical therapy; or

(7) Wilfully violated any of the provisions of this chapter or rules adopted thereunder.

Upon recommendation of the board, the department shall reissue a license that has been restricted, suspended, or revoked under this section. Application for reissuance of such license shall not be considered prior to one year from the date of the board's action and shall be made in such manner as the board may specify.

NEW SECTION. Sec. 14. There is added to chapter 18.74 RCW a new section to read as follows:

It is the duty of a physical therapist licensed under this chapter against whom a complaint is made and who is being investigated by the board to cooperate with the board as requested by it by:

- (1) Furnishing papers or documents;
- (2) Furnishing in writing a full and complete explanation covering the matter contained in the complaint; and
- (3) Appearing before the board at the time and place designated.

Failure to comply with this section is unprofessional conduct.

NEW SECTION. Sec. 15. There is added to chapter 18.74 RCW a new section to read as follows:

(1) If a licensed physical therapist is determined by a court of competent jurisdiction to be mentally incompetent or mentally ill, the physical therapist shall automatically have his license suspended by the department upon the entry of such judgment, regardless of the pendency of an appeal.

(2) (a) If it appears to the board that there is reasonable cause to believe that a physical therapist who has not been judicially determined to be mentally incompetent or mentally ill is unable to practice physical therapy

with reasonable skill and safety to patients by reason of illness, or excessive use of intoxicating liquor, drugs, narcotics, 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 the physical therapist and a notice shall be given to the physical therapist that a hearing will be held on the sole issue of the capacity of the physical therapist to adequately conduct a practice. If the board determines that the physical therapist is unable to adequately conduct a practice, the director, upon recommendation of the board, shall suspend or restrict the license of the physical therapist, or impose such conditions on the conduct of the physical therapist's practice as the board finds to be appropriate for the protection of the public.

(b) In enforcing this section, the board, upon probable cause, has authority to compel a physical therapist to submit to a mental and/or physical examination, by one or more physicians and/or a psychological evaluation by one or more licensed psychologists designated by the board. In addition to any examinations ordered by the board, the physical therapist may submit psychiatric, physical, and psychological examination reports from physicians or psychologists of the physical therapist's choosing and expense. Failure of a physical therapist to submit to examination when directed constitutes grounds for immediate suspension of the physical therapist's license, whereupon a default and final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond the physical therapist's control. A physical therapist affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate to the board that the therapist can resume the practice of physical therapy with reasonable skill and safety to patients.

(c) For the purpose of this section, a physical therapist licensed under this chapter or who applies for a license under this chapter is deemed to 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 constitutes privileged communications.

(d) In a proceeding under this section, neither the record of proceedings nor the orders entered by the board may be used against a licensed physical therapist in any other proceeding.

NEW SECTION. Sec. 16. There is added to chapter 18.74 RCW a new section to read as follows:

The board shall conduct all hearings pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 17. There is added to chapter 18.74 RCW a new section to read as follows:

A person aggrieved by the refusal of the department to issue or renew a physical therapist license, by the restriction, suspension, or revocation of a physical therapist license, or by any law administered under this chapter,

has the right of appeal in the manner provided by the administrative procedure act, chapter 34.04 RCW.

Sec. 18. Section 9, chapter 239, Laws of 1949 as amended by section 8, chapter 64, Laws of 1961 and RCW 18.74.090 are each amended to read as follows:

A person who is not ~~((registered))~~ licensed with the director of licensing as a physical therapist under the requirements of this chapter shall not represent himself as being so ~~((registered))~~ licensed and shall not use in connection with his name the words or letters "P.T.", "R.P.T.", "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or "physiotherapist", or any other letters, words, signs, numbers, or insignia indicating or implying that he is a physical therapist. Any person who ~~((shall))~~ practices or attempts to practice as or hold himself out as practicing as a physical therapist in this state without having at the time of so doing, a valid, unrevoked ~~((certificate))~~ license as provided in this chapter, shall be guilty of a gross misdemeanor: PROVIDED, That nothing in this chapter prohibits any person licensed in this state under any other act from engaging in the practice for which he or she is licensed. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his county. The attorney general may assist in such prosecution and shall appear at all hearings when requested to do so by the ~~((director of licensing))~~ board.

Sec. 19. Section 9, chapter 64, Laws of 1961 and RCW 18.74.095 are each amended to read as follows:

If any person violates the provisions of ~~((RCW 18.74.090))~~ this chapter, the attorney general, prosecuting attorney, the director, the board, or any citizen of the same county, may maintain an action in the name of the state to enjoin such person from practicing or holding himself out as practicing physical therapy. The injunction shall not relieve criminal prosecution but the remedy by injunction shall be in addition to the liability of such offender for criminal prosecution and the suspension or revocation of his license.

Sec. 20. Section 10, chapter 239, Laws of 1949 and RCW 18.74.100 are each amended to read as follows:

A person who obtains or attempts to obtain ~~((registration))~~ a license as a physical therapist by any wilful misrepresentation or any fraudulent representation shall be guilty of a gross misdemeanor.

Sec. 21. Section 12, chapter 239, Laws of 1949 as last amended by section 63, chapter 158, Laws of 1979 and RCW 18.74.120 are each amended to read as follows:

~~((The director of licensing 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 licensing shall keep a record of proceedings under this chapter and a register of all persons ~~((registered))~~

licensed under it. The register shall show the name of every living (~~((registrant))~~) licensed physical therapist, his (~~((last known place of business and))~~) last known place of residence, and the date and number of his (~~((registration and certificate))~~) license as a (~~((registered))~~) physical therapist. (~~((The director of licensing shall, during the month of April of every year in which the renewal of registration is required, publish a list of registered physical therapists authorized to practice physical therapy in the state and shall, upon request, furnish a copy of that list to the prosecuting attorney of any county, to the superintendent of any hospital in the state, and to any physician licensed in this state to practice medicine and surgery. 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:))~~)

NEW SECTION. Sec. 22. There is added to chapter 18.74 RCW a new section to read as follows:

This chapter does not prohibit or regulate:

(1) The practice of physical therapy by students enrolled in approved schools as may be incidental to their course of study so long as such activities do not go beyond the scope of practice defined by this chapter.

(2) Auxiliary services provided by physical therapy aides carrying out duties necessary for the support of physical therapy including those duties which involve minor physical therapy services when performed under the direct supervision of licensed physical therapists so long as such activities do not go beyond the scope of practice defined by this chapter.

(3) The practice of physical therapy by licensed or registered physical therapists of other states or countries while appearing as clinicians of bona fide educational seminars sponsored by physical therapy, medical, or other healing art professional associations so long as such activities do not go beyond the scope of practice defined by this chapter.

(4) The practice of physical therapists in the armed services or employed by any other branch of the federal government.

NEW SECTION. Sec. 23. Section 11, chapter 239, Laws of 1949 and RCW 18.74.110 are each repealed.

NEW SECTION. Sec. 24. 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 March 26, 1983.

Passed the Senate April 14, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

## CHAPTER 117

[Engrossed Substitute Senate Bill No. 3006]

## STATE ENVIRONMENTAL POLICY REVISIONS

AN ACT Relating to environmental policy; amending section 1, chapter 290, Laws of 1981 and RCW 43.21C.037; amending section 6, chapter 109, Laws of 1971 ex. sess. as amended by section 2, chapter 278, Laws of 1977 ex. sess. and RCW 43.21C.060; amending section 4, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.100; amending section 6, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.110; amending section 8, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.120; adding new sections to chapter 43.21C RCW; creating new sections; recodifying RCW 43.21C.100; recodifying RCW 43.21C.105; decodifying RCW 43.21C.070; decodifying RCW 43.21C.200; decodifying RCW 43.21C.202; decodifying RCW 43.21C.204; repealing section 2, chapter 84, Laws of 1979 ex. sess., section 2, chapter 2, Laws of 1980 and RCW 43.21C.032; repealing section 3, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.085; repealing section 11, chapter 179, Laws of 1974 ex. sess., section 107, chapter 151, Laws of 1979 and RCW 43.21C.140; providing an effective date; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. There is added to chapter 43.21C RCW a new section to be codified as RCW 43.21C.031 with the section heading of "SIGNIFICANT IMPACTS" to read as follows:

An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement under this chapter.

An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.

Sec. 2. Section 1, chapter 290, Laws of 1981 and RCW 43.21C.037 are each amended to read as follows:

(1) Decisions pertaining to applications for Class I, II, and III forest practices, as defined by rule of the forest practices board under RCW 76.09.050, are not subject to the requirements of RCW 43.21C.030(2)(c) as now or hereafter amended.

(2) When the applicable county, city, or town requires a license in connection with any proposal involving forest practices (a) on lands platted after January 1, 1960, (b) on lands being converted to another use, or (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, then the local government, rather than the department of natural resources, is responsible for any detailed statement required under RCW 43.21C.030(2)(c).

(3) Those forest practices determined by rule of the forest practices board to have a potential for a substantial impact on the environment, and thus to be Class IV practices, require an evaluation by the department of natural resources as to whether or not a detailed statement must be prepared pursuant to this chapter. The evaluation shall be made within ten days from the date the department receives the application. A Class IV forest practice application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period. This section shall not be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action regarding a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted.

~~((This section shall cease to exist on June 30, 1983, unless extended by law for an additional period of time.))~~

Sec. 3. Section 6, chapter 109, Laws of 1971 ex. sess. as amended by section 2, chapter 278, Laws of 1977 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)~~): PROVIDED, That such conditions or denials shall be based upon policies identified by the appropriate governmental authority and incorporated into regulations, plans, or codes which are formally designated by the agency (or appropriate legislative body, in the case of local government) as possible bases for the exercise of authority pursuant to this chapter. Such designation shall occur at the time specified

by RCW 43.21C.120. Such action may be conditioned only to mitigate specific adverse environmental impacts which are ~~((both))~~ identified in the environmental documents prepared ~~((pursuant to the))~~ under this chapter ~~((and))~~. These conditions shall be 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 September 21, 1977 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 September 21, 1977 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,)~~ decisionmaker. Mitigation measures shall be reasonable and capable of being accomplished. In order to deny a proposal under this chapter, an agency must find that: (1) The proposal would result in significant adverse impacts identified in a final or supplemental environmental impact statement prepared under this chapter; and (2) reasonable mitigation measures are insufficient to mitigate the identified impact. 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 unless that legislative authority formally eliminates such appeals. Such appeals shall be in accordance with procedures established for such appeals by the legislative authority of the acting local governmental agency.

NEW SECTION. Sec. 4. There is added to chapter 43.21C RCW a new section to be codified as RCW 43.21C.075 with a section heading of "APPEALS" to read as follows:

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall not allow more than one agency appeal proceeding on a procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement), consistent with any state statutory requirements for appeals to local legislative bodies. The appeal proceeding on a determination of significance/nonsignificance may occur before the agency's final decision on a proposed action. Such an appeal shall also be allowed for a determination of significance/nonsignificance which may be issued by the agency after supplemental review;

(b) Shall consolidate appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) by providing for simultaneous appeal of an agency decision on a proposal and any environmental determinations made under this chapter, with the exception of the threshold determination appeal as provided in (a) of this subsection or an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this paragraph; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an appeal procedure, such person shall, prior to seeking any judicial review, use such procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). This section does not modify any such time periods. This section governs when a judicial appeal must be brought under this chapter where a "notice of action" is used, and/or where there is another time period which is required by statute or ordinance for challenging the underlying governmental action. In this subsection, the term "appeal" refers to a judicial appeal only.



(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within thirty days. The agency shall give official notice stating the date and place for commencing an appeal. If there is an agency proceeding under subsection (3) of this section, the appellant shall, prior to commencing a judicial appeal, submit to the responsible official a notice of intent to commence a judicial appeal. This notice of intent shall be given within the time period for commencing a judicial appeal on the underlying governmental action.

(b) A notice of action under RCW 43.21C.080 may be used. If a notice of action is used, judicial appeals shall be commenced within the time period specified by RCW 43.21C.080, unless there is a time period for appealing the underlying governmental action in which case (a) of this subsection shall apply.

(c) Notwithstanding RCW 43.21C.080(1), if there is a time period for appealing the underlying governmental action, a notice of action may be published within such time period.

(6)(a) Judicial review of an appeal decision made by an agency under RCW 43.21C.075(5) shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and said certified final order may only be appealed to an appellate court.

(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2))

and (3)). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. The word "appeal" refers to administrative, legislative, or judicial appeals.

(9) The court in its discretion may award reasonable attorney's fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.

NEW SECTION. Sec. 5. There is added to chapter 43.21C RCW a new section to be codified as RCW 43.21C.095 with a section heading of "STATE ENVIRONMENTAL POLICY ACT RULES TO BE ACCORDED SUBSTANTIAL DEFERENCE" to read as follows:

The rules promulgated under RCW 43.21C.110 shall be accorded substantial deference in the interpretation of this chapter.

Sec. 6. Section 4, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.100 are each amended to read as follows:

~~((There is hereby established the))~~ The legislature may establish a council on environmental policy ((which shall be composed of the members of the pollution control hearings board:

~~The council shall be abolished and shall cease to exist at midnight, June 30, 1976. The guidelines established by the council prior to midnight, June 30, 1976, shall continue to be valid and of force and effect, except as they are thereafter amended by further guidelines promulgated by the department of ecology, in accord with chapter 34.04 RCW.~~

~~Upon the abolishment of the council on June 30, 1976, all powers, duties and functions of the council are transferred to the department of ecology))~~ to review and assist in the implementation of this chapter.

Sec. 7. Section 6, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.110 are each amended to read as follows and shall be given the section heading "CONTENT OF STATE ENVIRONMENTAL POLICY ACT RULES":

It shall be the duty and function of the ~~((council))~~ department of ecology, which may utilize proposed rules developed by the environmental policy commission:

(1) To adopt ~~((initially))~~ and amend thereafter rules of interpretation and implementation of this chapter (the state environmental policy act of 1971), subject to the requirements of chapter 34.04 RCW, for the purpose of providing uniform rules and guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The proposed rules shall be subject to full public

hearings requirements associated with rule promulgation. Suggestions for modifications of the proposed rules shall be considered on their merits, and the department shall have the authority and responsibility for full and appropriate independent promulgation and adoption of rules, assuring consistency with this chapter as amended and with the preservation of protections afforded by this chapter. The rule making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter (the state environmental policy act of 1971):

(a) Categories of governmental actions which ((normally)) are not to be considered as potential major actions significantly affecting the quality of the environment ((as well as categories of actions exempt from such classification)), including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review.

(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including but not limited to rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.

(e) Rules and procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter including the establishment of a list of elements of the environment. Analysis of environmental considerations under RCW 43.21C.030(2) may be required only for those subjects listed as elements of the environment (or portions thereof). The list of elements of the environment shall consist of the "natural" and "built" environment. The elements of the built environment shall consist of public services and utilities (such as water, sewer, schools, fire and police protection), transportation, environmental health

(such as explosive materials and toxic waste), and land and shoreline use (including housing, and a description of the relationships with land use and shoreline plans and designations, including population).

(g) ~~((Guidelines))~~ Rules for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare ~~((guidelines))~~ rules for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) ~~((Guidelines))~~ Rules for utilization of a detailed statement for more than one action and rules improving environmental analysis of nonproject proposals and encouraging better interagency coordination and integration between this chapter and other environmental laws.

(k) ~~((Guidelines))~~ Rules relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(l) Rules relating to the use of environmental documents in planning and decisionmaking and the implementation of the substantive policies and requirements of this chapter, including procedures for appeals under this chapter.

(2) In exercising its powers, functions, and duties under this section, the ~~((council))~~ department may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of RCW 34.04.070 and 34.04.080.

Sec. 8. Section 8, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.120 are each amended to read as follows:

(1) All agencies of government of this state are directed, consistent with rules and guidelines adopted under RCW 43.21C.110, including any revisions, to adopt rules pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation. Designation of polices under RCW 43.21C.060 and adoption of ((the initial)) rules required under this section shall take place not later than one hundred ((twenty)) eighty days after the effective date of rules and guidelines

adopted pursuant to RCW 43.21C.110, or after the establishment of an agency, whichever shall occur later.

(2) Rules adopted by state agencies under subsection (1) of this section shall be adopted in accordance with the provisions of chapter 34.04 RCW and shall be subject to the review procedures of RCW 34.04.070 and 34.04.080.

(3) All public and municipal corporations, political subdivisions, and counties of this state are directed, consistent with rules and guidelines adopted under RCW 43.21C.110, including any revisions, to adopt rules, ordinances, or resolutions pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation. Designation of policies under RCW 43.21C.060 and adoption of the ((initial)) rules required under this section shall take place not later than one hundred eighty days after the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110, or after the establishment of the governmental entity, whichever shall occur later.

(4) Ordinances or regulations adopted prior to the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110 shall continue to be effective until the adoptions of any new or revised ordinances or regulations which may be required: PROVIDED, That revisions required by this section as a result of rule changes under RCW 43.21C.110 are made within the time limits specified by this section.

NEW SECTION. Sec. 9. There is added to chapter 43.21C RCW a new section to read as follows:

The department of ecology shall conduct annual state-wide workshops and publish an annual state environmental policy act handbook or supplement to assist persons in complying with the provisions of this chapter and the implementing rules. The workshops and handbook shall include, but not be limited to, measures to assist in preparation, processing, and review of environmental documents, relevant court decisions affecting this chapter or rules adopted under this chapter, legislative changes to this chapter, administrative changes to the rules, and any other information which will assist in orderly implementation of this chapter and rules.

The department shall develop the handbook and conduct the workshops in cooperation with, but not limited to, state agencies, the association of Washington cities, the Washington association of counties, educational institutions, and other groups or associations interested in the state environmental policy act.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 84, Laws of 1979 ex. sess., section 2, chapter 2, Laws of 1980 and RCW 43.21C.032;

(2) Section 3, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C-.085; and

(3) Section 11, chapter 179, Laws of 1974 ex. sess., section 107, chapter 151, Laws of 1979 and RCW 43.21C.140.

NEW SECTION. Sec. 11. RCW 43.21C.070, 43.21C.200, 43.21C.202, and 43.21C.204 are each decodified.

NEW SECTION. Sec. 12. RCW 43.21C.100 is recodified as RCW 43.21C.170.

NEW SECTION. Sec. 13. RCW 43.21C.105 is recodified as RCW 43.21C.175.

NEW SECTION. Sec. 14. Section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 15. Sections 3 and 4 of this act apply to agency decisions and to appeal proceedings prospectively only and not retrospectively. Sections 1, 5, 6, 7, and 8 of this act may be applied by agencies retrospectively.

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. (1) Sections 1, 2, and 4 through 16 of this 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 immediately.

(2) Section 3 of this act shall take effect one hundred eighty days after the remainder of this act goes into effect under subsection (1) of this section.

Passed the Senate March 24, 1983.  
Passed the House April 18, 1983.  
Approved by the Governor April 23, 1983.  
Filed in Office of Secretary of State April 23, 1983.

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CHAPTER 118

[Substitute Senate Bill No. 3007]

**RAPE—SPOUSAL EXCEPTION—REMOVED FOR 1ST AND 2ND DEGREE**

AN ACT Relating to sexual offenses; amending section 3, chapter 10, Laws of 1982 as amended by section 11, chapter 192, Laws of 1982 and RCW 9A.44.040; and amending section 5, chapter 14, Laws of 1975 1st ex. sess. as amended by section 2, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.050.

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

Sec. 1. Section 3, chapter 10, Laws of 1982 as amended by section 11, chapter 192, Laws of 1982 and RCW 9A.44.040 are each amended to read as follows:

(1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person (~~(not married to the perpetrator)~~) by forcible compulsion where the perpetrator or an accessory:

- (a) Uses or threatens to use a deadly weapon; or
- (b) Kidnaps the victim; or
- (c) Inflicts serious physical injury; or
- (d) Feloniously enters into the building or vehicle where the victim is situated.

(2) Rape in the first degree is a class A felony.

Sec. 2. Section 5, chapter 14, Laws of 1975 1st ex. sess. as amended by section 2, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.050 are each amended to read as follows:

(1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person(~~(, not married to the perpetrator)~~):

- (a) By forcible compulsion; or
- (b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated.

(2) Rape in the second degree is a class B felony.

Passed the Senate March 30, 1983.

Passed the House April 17, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 119

[House Bill No. 146]

### ASIAN-AMERICAN AFFAIRS COMMISSION—SUNSET TERMINATION EXTENDED

AN ACT Relating to the Washington state Asian-American commission; amending section 1, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.010; amending section 14, chapter 140, Laws of 1974 ex. sess. as amended by section 1, chapter 297, Laws of 1977 ex. sess. and RCW 43.117.910; amending section 34, chapter 99, Laws of 1979 and RCW 43.131-.215; amending section 76, chapter 99, Laws of 1979 and RCW 43.131.216; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 1, chapter 140, Laws of 1974 ex. sess. and RCW 43-.117.010 are each amended to read as follows:

The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature finds that Asian-Americans have unique and special problems. It is the purpose of this

chapter to improve the well-being of Asian-Americans by insuring their access to participation in the fields of government, business, ((and)) education, and other areas. The legislature is particularly concerned with the plight of those Asian-Americans who, for economic, linguistic, or cultural reasons, find themselves disadvantaged or isolated from American society and the benefits of equal opportunity. The legislature further finds that it is necessary to aid Asian-Americans in obtaining governmental services in order to promote the health, safety, and welfare of all the residents of this state. Therefore the legislature deems it necessary to create a commission to carry out the purposes of this chapter.

Sec. 2. Section 14, chapter 140, Laws of 1974 ex. sess. as amended by section 1, chapter 297, Laws of 1977 ex. sess. and RCW 43.117.910 are each amended to read as follows:

This chapter shall expire automatically on June 30, ((1983)) 1988, unless extended by law for an additional fixed period of the time.

Sec. 3. Section 34, chapter 99, Laws of 1979 and RCW 43.131.215 are each amended to read as follows:

The Washington state commission on Asian-American affairs and its powers and duties shall be terminated on June 30, ((1983)) 1988, as provided in RCW 43.131.216.

Sec. 4. Section 76, chapter 99, Laws of 1979 and RCW 43.131.216 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ((1984)) 1989:

(1) Section 1, chapter 140, Laws of 1974 ex. sess., section 1 of this 1983 act and RCW 43.117.010;

(2) Section 2, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.020;

(3) Section 3, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.030;

(4) Section 4, chapter 140, Laws of 1974 ex. sess., section 131, chapter 34, Laws of 1975-'76 2nd ex. sess., section 1, chapter 68, Laws of 1982 and RCW 43.117.040;

(5) Section 5, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.050;

(6) Section 6, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.060;

(7) Section 7, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.070;

(8) Section 8, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.080;

(9) Section 9, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.090;



(10) Section 10, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.100;

(11) Section 11, chapter 140, Laws of 1974 ex. sess. and RCW 43.117-.900; and

(12) Section 14, chapter 140, Laws of 1974 ex. sess., section 1, chapter 297, Laws of 1977 ex. sess., section 2 of this 1983 act and RCW 43.117.910.

**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 June 30, 1983.

Passed the House March 27, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 120

[Engrossed Second Substitute Senate Bill No. 3230]

### MINORITY AND WOMEN'S BUSINESS ENTERPRISE OFFICE CREATED

AN ACT Relating to minority and women's business enterprises; amending section 47.28.030, chapter 13, Laws of 1961 as last amended by section 3, chapter 225, Laws of 1977 ex. sess. and RCW 47.28.030; amending section 47.28.050, chapter 13, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1979 ex. sess. and RCW 47.28.050; amending section 47.28.090, chapter 13, Laws of 1961 as amended by section 2, chapter 21, Laws of 1971 ex. sess. and RCW 47.28.090; adding a new chapter to Title 39 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 39.29 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.19 RCW; creating a new section; providing an effective date; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. The legislature finds that minority and women-owned businesses are significantly under-represented and have been denied equitable competitive opportunities in contracting. It is the intent of this chapter to mitigate societal discrimination and other factors in participating in public works and in providing goods and services and to delineate a policy that an increased level of participation by minority and women-owned businesses is desirable at all levels of state government. The purpose and intent of this chapter are to provide the maximum practicable opportunity for increased participation by minority and women-owned businesses in participating in public works and the process by which goods and services are procured by state agencies and educational institutions from the private sector.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advisory committee" means the advisory committee on minority and women's business enterprises.

(2) "Director" means the director of the office of minority and women's business enterprises.

(3) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

(4) "Goals" means annual overall agency goals, expressed as a percentage of dollar volume, for participation by minority and women-owned businesses and shall not be construed as a minimum goal for any particular contract or for any particular geographical area. It is the intent of this chapter that such overall agency goals shall be achievable and shall be met on a contract-by-contract or class-of-contract basis.

(5) "Goods and/or services" includes professional services and all other goods and services.

(6) "Office" means the office of minority and women's business enterprises.

(7) "Procurement" means the purchase, lease, or rental of any goods or services.

(8) "Public works" means all work, construction, highway and ferry construction, alteration, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

(9) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions.

NEW SECTION. Sec. 3. There is hereby created the office of minority and women's business enterprises. The governor shall appoint a director for the office, subject to confirmation by the senate. The director may employ a deputy director and a confidential secretary, both of which shall be exempt under chapter 41.06 RCW, and such staff as are necessary to carry out the purposes of this chapter.

The office, with the advice and counsel of the advisory committee on minority and women's business enterprises, shall:

(1) Develop, plan, and implement programs to provide an opportunity for participation by qualified minority and women-owned businesses in public works and the process by which goods and services are procured by state agencies and educational institutions from the private sector;

(2) Develop a comprehensive plan insuring that qualified minority and women-owned businesses are provided an opportunity to participate in public contracts for public works and goods and services;

(3) Identify barriers to equal participation by qualified minority and women-owned businesses in all state agency and educational institution contracts;

(4) Establish annual overall goals for participation by qualified minority and women-owned businesses for each state agency and educational institution to be administered on a contract-by-contract basis or on a class-of-contracts basis;

(5) Develop and maintain a central minority and women's business enterprise certification list for all state agencies and educational institutions. Size of business or length of time in business shall not be considered a prerequisite for the certification list;

(6) Develop, implement, and operate a system of monitoring compliance with this chapter;

(7) Adopt rules under chapter 34.04 or 28B.19 RCW, as appropriate, governing: (a) Establishment of agency goals; (b) development and maintenance of a central minority and women's business enterprise certification program; (c) procedures for monitoring and enforcing compliance with goals, regulations, contract provisions, and this chapter; and (d) utilization of standard clauses by state agencies and educational institutions, as specified in section 5 of this act; and

(8) Submit an annual report to the governor and the legislature outlining the progress and economic impact on the public and private sectors of implementing this chapter.

**NEW SECTION.** Sec. 4. (1) There is hereby created an advisory committee on minority and women's business enterprises to assist the director with the development of policies to carry out this chapter, consisting of the director of the office of financial management as a voting member and the following nonvoting members: The executive director of the human rights commission, a representative of the council of state college and university presidents, the commissioner of employment security, the secretary of social and health services, the secretary of transportation, the director of general administration, and the director of commerce and economic development. The president of the senate and the speaker of the house shall appoint two members each, one from the majority, and one from the minority party of each body. The governor shall appoint nine voting members from the private sector who shall be representative of both sexes and who shall also be ethnically and geographically diverse. Six of the private sector members shall represent minority and women-owned businesses; three members shall be from the business community.

(2) The initial terms of the private sector members shall commence on July 1, 1983. Five private sector members shall be appointed for an initial term of two years; four private sector members shall be appointed for an initial term of four years. Thereafter, all private sector members shall be appointed for four years or until their respective successors are appointed. Appointments to fill vacancies shall be for the balance of any unexpired term, and shall be filled in the same manner as the original appointments.

(3) Private sector members shall serve without pay, but all committee members shall be entitled to reimbursement for travel expenses incurred in performance of their duties as members of the committee under RCW 43.03.050 and 43.03.060, except that legislative members shall be entitled to reimbursement under RCW 44.04.120.

(4) Six voting members constitute a quorum for the conduct of official business. The advisory committee shall elect a chairperson from among the private sector members.

**NEW SECTION.** Sec. 5. The rules adopted under section 3 of this act shall include requirements for standard clauses in requests for proposals, advertisements, bids, or calls for bids, necessary to carry out the purposes of this chapter, which shall include notice of the statutory penalties under sections 8 and 9 of this act for noncompliance.

**NEW SECTION.** Sec. 6. Each state agency and educational institution shall comply with the annual goals established for that agency or institution under this chapter for public works and procuring goods or services. This chapter applies to all public works and procurement by state agencies and educational institutions, including all contracts and other procurement under chapters 28B.10, 39.04, 39.29, 43.19, and 47.28 RCW.

**NEW SECTION.** Sec. 7. It is the intent of this chapter that the goals established under this chapter for participation by minority and women-owned businesses be achievable. If necessary to accomplish this intent, contracts shall be awarded to the next lowest bidder, or all bids may be rejected and new bids obtained, if the lowest bidder does not meet the goals established for a particular contract under this chapter. The dollar value of the total contract used for the calculation of the specific contract goal may be increased or decreased to reflect executed change orders. An apparent low-bidder must be in compliance with the contract provisions required under this chapter as a condition precedent to the granting of a notice of award by any state agency or educational institution.

**NEW SECTION.** Sec. 8. If a person, firm, corporation, business, union, or other organization prevents or interferes with a contractor's or subcontractor's compliance with this chapter, or any rule adopted under this chapter, or submits false or fraudulent information to the state concerning compliance with this chapter or any such rule, or violates this chapter or any rule adopted under this chapter, the person or entity shall be subject to a fine not to exceed one thousand dollars, in addition to any other penalty or sanction prescribed by law.

After an administrative hearing and findings of fact by the state agency or educational institution and after the exhaustion of administrative remedies, any adverse decision under this section may be appealed to Thurston county superior court or to any superior court in any county where the alleged violation occurred.

**NEW SECTION.** Sec. 9. If a person, firm, corporation, or business does not comply with any provision of a contract required under this chapter, the state may withhold payment, debar, suspend, or terminate the contract and subject the contractor to civil penalties of ten percent of the amount of the contract or five thousand dollars, whichever is less. Wilful repeated violations, exceeding a single violation, may disqualify the contractor from further participation in state contracts for a period of one year. An apparent low-bidder must be in compliance with the contract provisions required under this chapter as a condition precedent to the granting of a notice of award by any state agency or educational institution.

After an administrative hearing and findings of fact by the state agency or educational institution and after the exhaustion of administrative remedies, any adverse decision under this section may be appealed to Thurston county superior court or to any superior court in any county where the alleged violation occurred.

**NEW SECTION.** Sec. 10. There is added to chapter 28B.10 RCW a new section to read as follows:

All contracts entered into under this chapter by institutions of higher education on or after September 1, 1983, are subject to the requirements established under chapter 39.... RCW (sections 1 through 9 of this act).

**NEW SECTION.** Sec. 11. There is added to chapter 39.04 RCW a new section to read as follows:

All contracts entered into under this chapter by the state on or after September 1, 1983, are subject to the requirements established under chapter 39.... RCW (sections 1 through 9 of this act).

**NEW SECTION.** Sec. 12. There is added to chapter 39.29 RCW a new section to read as follows:

All contracts entered into under this chapter on or after September 1, 1983, are subject to the requirements established under chapter 39.... RCW (sections 1 through 9 of this act).

**NEW SECTION.** Sec. 13. There is added to chapter 43.19 RCW a new section to read as follows:

All contracts entered into and purchases made, including leasing or renting, under this chapter on or after September 1, 1983, are subject to the requirements established under chapter 39.... RCW (sections 1 through 9 of this act).

**NEW SECTION.** Sec. 14. There is added to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, this chapter shall not apply in the office of minority and women's business enterprises to the director, the director's confidential secretary, and the deputy director.

Sec. 15. Section 47.28.030, chapter 13, Laws of 1961 as last amended by section 3, chapter 225, Laws of 1977 ex. sess. 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 state forces. The work or portions thereof may be done by 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 state forces when the estimated cost thereof is less than twenty-five thousand dollars. When the ~~((state highway commission))~~ department of transportation determines to do the work by state forces, it shall enter a ~~((resolution))~~ statement upon its records to that effect, stating the reasons therefor. To enable a larger number of small businesses, and minority, and women contractors to effectively compete for highway department contracts, the ~~((state highway commission))~~ department 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 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.

The department of transportation shall comply with such goals and rules as may be adopted by the office of minority and women's business enterprises to implement chapter 39... RCW (sections 1 through 9 of this 1983 act) with respect to contracts entered into under this chapter. The department may adopt such rules as may be necessary to comply with the rules adopted by the office of minority and women's business enterprises under chapter 39... RCW (sections 1 through 9 of this 1983 act).

Sec. 16. Section 47.28.050, chapter 13, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1979 ex. sess. 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 department of transportation 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 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 department deems necessary. When necessary to implement chapter 39... RCW (sections 1 through 9 of this 1983 act) and the rules adopted to implement that chapter, the department shall include in its call for bids provisions or specifications requiring bidders to comply with chapter 39... RCW (sections 1 through 9 of this 1983 act) and the rules adopted to implement it: PROVIDED, That when the estimated cost of any contract to be awarded is less than fifty thousand dollars, the call for bids need only be published in at least 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 department of transportation 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.

Sec. 17. Section 47.28.090, chapter 13, Laws of 1961 as amended by section 2, chapter 21, Laws of 1971 ex. sess. and RCW 47.28.090 are each amended to read as follows:

At the time and place named in the call for bids the ~~((Washington state highway commission))~~ department of transportation shall publicly open and read the final figure in each of the bid proposals properly filed and read only the bid items on the three lowest bids, and shall award the contract to the lowest responsible bidder unless the ~~((commission))~~ department has, for good cause, continued the date of opening bids to a day certain, or rejected said bid: PROVIDED, That any bid may be rejected if the bidder has previously defaulted in the performance of and failed to complete a written public contract, or has been convicted of a crime arising from a previous public contract ~~((: AND PROVIDED FURTHER, That notwithstanding any other provision of law, the highway commission, in awarding contracts for which bids have been accepted prior to July 1, 1971, for construction of ferries for the Washington state ferry system, may consider the bid of the lowest responsible bidder operating shipbuilding facilities and proposing to build such ferries in the state of Washington by evaluating and including the projected direct and indirect tax revenues generated by construction of~~

~~the ferries within the state. Moneys expended to meet the added cost incurred as a consequence of the award of a contract authorized by this proviso shall come from such funds as may be available)). If the lowest responsible bidder fails to meet the provisions or specifications requiring compliance with chapter 39... RCW (sections 1 through 9 of this 1983 act) and the rules adopted to implement that chapter, the department may award the contract to the next lowest responsible bidder which does meet the provisions or specifications or may reject all bids and readvertise. All bids shall be undersealed cover and accompanied by deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the amount of the bid and no bid shall be considered unless the deposit is enclosed therewith.~~

NEW SECTION. Sec. 18. (1) 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.

(2) If any part of this chapter is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 19. (1) The legislative budget committee shall cause to be conducted an initial program and fiscal review of the minority and women's business enterprise program under this chapter. Such program and fiscal review shall be completed and a report prepared by June 30, 1986. Upon completion of the report, the legislative budget committee shall transmit copies of the report to the office of minority and women's business enterprises and to the office of financial management. Each office shall transmit its comments to the legislative budget committee within thirty days. The legislative budget committee shall prepare a final report, including the offices' comments, and transmit copies of such report to both offices, to the governor, and to all members of the legislature.

(2) The select joint committee on sunset, as defined in RCW 43.131-.120, shall conduct a preliminary sunset program and fiscal review of the minority and women's business enterprise program under this chapter to determine if such program shall be scheduled for termination and full sunset review under chapter 43.131 RCW. Such preliminary sunset program and fiscal review shall be completed and a report prepared by June 30, 1990.



**NEW SECTION.** Sec. 20. Sections 1 through 9 of this act constitute a new chapter in Title 39 RCW.

**NEW SECTION.** Sec. 21. (1) 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, 1983.

(2) Contracts entered into before September 1, 1983, are not subject to this act.

Passed the Senate March 25, 1983.

Passed the House April 18, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 121

[Senate Bill No. 3018]

### PRELIMINARY PLATS—FILING PERIODS—LOCAL AUTHORITY— REVIEW OF DECISION

AN ACT Relating to the division of land; amending and reenacting section 2, chapter 271, Laws of 1969 ex. sess. as amended by section 1, chapter 292, Laws of 1981 and by section 2, chapter 293, Laws of 1981 and RCW 58.17.020; amending and reenacting section 4, chapter 271, Laws of 1969 ex. sess. as last amended by section 2, chapter 292, Laws of 1981 and by section 3, chapter 293, Laws of 1981 and RCW 58.17.040; amending section 14, chapter 271, Laws of 1969 ex. sess. as last amended by section 7, chapter 293, Laws of 1981 and RCW 58.17.140; amending section 15, chapter 271, Laws of 1969 ex. sess. as amended by section 8, chapter 293, Laws of 1981 and RCW 58.17.150; and amending section 18, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.180.

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

Sec. 1. Section 2, chapter 271, Laws of 1969 ex. sess. as amended by section 1, chapter 292, Laws of 1981 and by section 2, chapter 293, Laws of 1981 and RCW 58.17.020 are each amended and reenacted to read as follows:

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(1) "Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in subsection (6) of this section.

(2) "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

(3) "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to

which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

(4) "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

(5) "Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter.

(6) "Short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership: PROVIDED, That the legislative authority of any city or town may by local ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine.

((6)) (7) "Binding site plan" means a drawing to a scale specified by local ordinance which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (c) contains provisions making any development be in conformity with the site plan.

(8) "Short plat" is the map or representation of a short subdivision.

(9) "Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

(10) "Block" is a group of lots, tracts, or parcels within well defined and fixed boundaries.

(11) "County treasurer" shall be as defined in chapter 36.29 RCW or the office or person assigned such duties under a county charter.

(12) "County auditor" shall be as defined in chapter 36.22 RCW or the office or person assigned such duties under a county charter.

(13) "County road engineer" shall be as defined in chapter 36.40 RCW or the office or person assigned such duties under a county charter.

(14) "Planning commission" means that body as defined in chapters 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to perform a planning function or that body assigned such duties and responsibilities under a city or county charter.

(15) "County commissioner" shall be as defined in chapter 36.32 RCW or the body assigned such duties under a county charter.

Sec. 2. Section 4, chapter 271, Laws of 1969 ex. sess. as last amended by section 2, chapter 292, Laws of 1981 and by section 3, chapter 293, Laws of 1981 and RCW 58.17.040 are each amended and reenacted to read as follows:

The provisions of this chapter shall not apply to:

- (1) Cemeteries and other burial plots while used for that purpose;
- (2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;
- (3) Divisions made by testamentary provisions, or the laws of descent;
- (4) Divisions of land into lots or tracts classified for industrial or commercial use when the governing body of the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations: PROVIDED, That when a binding site plan authorizes a sale or other transfer of ownership of a lot, parcel, or tract, the binding site plan shall be filed for record in the county auditor's office on each lot, parcel, or tract created pursuant to the binding site plan: PROVIDED FURTHER, That the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel, or tract: AND PROVIDED FURTHER, That sale or transfer of such a lot, parcel, or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW; (~~and~~);
- (5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the governing body of the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations(~~(-)~~);
- ~~((5))~~ (6) A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and

~~((6))~~ (7) A division which is made by subjecting a portion of a parcel or tract of land to chapter 64.32 RCW if a city, town, or county has approved a binding site plan for all of such land(;;):

Sec. 3. Section 14, chapter 271, Laws of 1969 ex. sess. as last amended by section 7, chapter 293, Laws of 1981 and RCW 58.17.140 are each amended to read as follows:

Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time period; PROVIDED, That if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within three years of the date of preliminary plat approval; PROVIDED, That this three-year time period shall retroactively apply to any preliminary plat pending before a city, town, or county as of the effective date of this 1983 act where the authority to proceed with the filing of a final plat has not lapsed under an applicable city, town, or county ordinance containing a shorter time period that was in effect when the preliminary plat was approved. An applicant who files a written request with the legislative body of the city, town, or county at least thirty days before the expiration of this three-year period shall be granted one one-year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three-year period. Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow other extensions of time that may or may not contain additional or altered conditions and requirements.

Sec. 4. Section 15, chapter 271, Laws of 1969 ex. sess. as amended by section 8, chapter 293, Laws of 1981 and RCW 58.17.150 are each amended to read as follows:

Each preliminary plat submitted for final approval of the legislative body shall be accompanied by the following agencies' recommendations for approval or disapproval:

(1) Local health department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply;

(2) Local planning agency or commission, charged with the responsibility of reviewing plats and subdivisions, as to compliance with all terms of the preliminary approval of the proposed plat subdivision or dedication;

(3) City, town or county engineer.

Except as provided in RCW 58.17.140, an agency or person issuing a recommendation for subsequent approval under subsections (1) and (3) of this section shall not modify the terms of its recommendations without the consent of the applicant.

Sec. 5. Section 18, chapter 271, Laws of 1969 ex. sess. and RCW 58-17.180 are each amended to read as follows:

Any decision approving or disapproving any plat shall be reviewable for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the superior court of the county in which such matter is pending. ~~((The action may be brought by any property owner in the city, town or county having jurisdiction, who deems himself aggrieved thereby. PROVIDED, That))~~ Standing to bring the action is limited to the following parties:

(1) The applicant or owner of the property on which the subdivision is proposed;

(2) Any property owner entitled to special notice under RCW 58.17.090;

(3) Any property owner who deems himself aggrieved thereby and who will suffer direct and substantial impacts from the proposed subdivision.

Application for a writ of review shall be made to the court within thirty days from any decision so to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant.

Passed the Senate March 10, 1983.

Passed the House April 17, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

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## CHAPTER 122

[Substitute Senate Bill No. 3043]

### CRIMINALLY INSANE—FURLOUGH—ESCAPE—NOTICE

AN ACT Relating to state institutions; amending section 1, chapter 117, Laws of 1973 1st ex. sess. as amended by section 1, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.010; adding new sections to chapter 10.77 RCW; and declaring an emergency.

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

Sec. 1. Section 1, chapter 117, Laws of 1973 1st ex. sess. as amended by section 1, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.010 are each amended to read as follows:

As used in this chapter:

(1) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be

a substantial danger to other persons or to present a substantial likelihood of committing felonious acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(2) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to himself or his family.

(3) "Secretary" means the secretary of the department of social and health services or his designee.

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

(5) "Treatment" means any currently standardized medical or mental health procedure including medication.

(6) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or to assist in his own defense as a result of mental disease or defect.

(7) No condition of mind proximately induced by the voluntary act of a person charged with a crime shall constitute "insanity".

(8) "Furlough" means an authorized leave of absence for a resident of a state institution designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

**NEW SECTION.** Sec. 2. There is added to chapter 10.77 RCW a new section to read as follows:

The superintendent of each state institution designated for the custody, care, and treatment of the criminally insane shall notify appropriate law enforcement agencies through the state patrol communications network of the furloughs of persons committed under RCW 10.77.090 or 10.77.110. Notification shall be made at least forty-eight hours before the furlough, and shall include the name of the person, the place to which the person has permission to go, and the dates and times during which the person will be on furlough. For emergency furloughs, forty-eight hours notice is not required, but notice shall be made before the departure.

**NEW SECTION.** Sec. 3. There is added to chapter 10.77 RCW a new section to read as follows:

In the event of an escape by a criminally insane person from a state institution or the disappearance of such a person on conditional release, the superintendent shall notify as appropriate, local law enforcement officers, other governmental agencies, the person's relatives, and any other appropriate persons about information necessary for the public safety or to assist in the apprehension of the person.

**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 9, 1983.

Passed the House April 18, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

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## CHAPTER 123

[Substitute Senate Bill No. 3052]

### ELEVATORS—PERMITS—INSPECTIONS—HEARINGS

AN ACT Relating to elevators, lifting devices, and moving walks; amending section 1, chapter 26, Laws of 1963 as last amended by section 9, chapter 52, Laws of 1973 1st ex. sess. and RCW 70.87.010; amending section 2, chapter 26, Laws of 1963 and RCW 70.87.020; amending section 3, chapter 26, Laws of 1963 as last amended by section 10, chapter 52, Laws of 1973 1st ex. sess. and RCW 70.87.030; amending section 4, chapter 26, Laws of 1963 and RCW 70.87.040; amending section 5, chapter 26, Laws of 1963 as amended by section 2, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.050; amending section 6, chapter 26, Laws of 1963 and RCW 70.87.060; amending section 7, chapter 26, Laws of 1963 and RCW 70.87.070; amending section 8, chapter 26, Laws of 1963 and RCW 70.87.080; amending section 9, chapter 26, Laws of 1963 and RCW 70.87.090; amending section 10, chapter 26, Laws of 1963 and RCW 70.87.100; amending section 11, chapter 26, Laws of 1963 and RCW 70.87.110; amending section 12, chapter 26, Laws of 1963 as amended by section 2, chapter 22, Laws of 1970 ex. sess. and RCW 70.87.120; amending section 14, chapter 26, Laws of 1963 and RCW 70.87.140; amending section 17, chapter 26, Laws of 1963 and RCW 70.87.170; amending section 18, chapter 26, Laws of 1963 and RCW 70.87.180; amending section 19, chapter 26, Laws of 1963 and RCW 70.87.190; amending section 20, chapter 26, Laws of 1963 as amended by section 4, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.200; amending section 22, chapter 26, Laws of 1963 and RCW 70.87.900; adding new sections to chapter 70.87 RCW; repealing section 15, chapter 26, Laws of 1963 and RCW 70.87.150; repealing section 16, chapter 26, Laws of 1963 and RCW 70.87.160; and prescribing penalties.

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

Sec. 1. Section 1, chapter 26, Laws of 1963 as last amended by section 9, chapter 52, Laws of 1973 1st ex. sess. and RCW 70.87.010 are each amended to read as follows:

For the purposes of this chapter, except where a different interpretation is required by the context:

(1) "Owner" means any person having title to or control of a conveyance, as guardian, trustee, lessee, or otherwise;

(2) "Conveyance" means an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator (~~and~~), or moving walk, all as defined (~~herein~~) in this section;

(3) "Existing installations" means all conveyances for which plans were completed and accepted by the owner, or for which the plans and specifications (~~for which~~) have been filed with and approved by the department (~~of labor and industries~~) before (~~the effective date of this chapter~~) June

13, 1963, and work on the erection of which was begun not more than twelve months thereafter;

(4) "Elevator" means a hoisting or lowering machine equipped with a car or platform (~~((which))~~) that moves in guides (~~((in a substantially vertical direction))~~) and (~~((which))~~) serves two or more floors or landings of a building or structure;

(a) "Passenger elevator" means an elevator (i) on which passengers are permitted to ride and (ii) that may be used to carry freight or materials when the load carried does not exceed the capacity of the elevator;

(b) "Freight elevator" means an elevator (i) used primarily for carrying freight and (ii) on which only the operator, the persons necessary for loading and unloading, and (~~((such))~~) other employees (~~((as may be))~~) approved by the department (~~((of labor and industries))~~) are permitted to ride;

(c) "Sidewalk elevator" means a freight elevator (~~((which))~~) that: (i) Operates between a sidewalk or other area (~~((exterior to))~~) outside the building((s)) and floor levels inside the building below (~~((such))~~) the outside area, (~~((which))~~) (ii) has no landing opening into the building at its upper limit of travel, and (~~((which))~~) (iii) is not used to carry automobiles;

(5) "Escalator" means a power-driven, inclined, continuous stairway used for raising and lowering passengers;

(6) "Dumbwaiter" means a hoisting and lowering mechanism equipped with a car (~~((which))~~) (a) that moves in guides in a substantially vertical direction, (b) the floor area of which does not exceed nine square feet, (~~((whose total))~~) (c) the inside height(~~((, whether or not provided with fixed or removable shelves;))~~) of which does not exceed four feet, (d) the capacity of which does not exceed five hundred pounds, and (e) that is used exclusively for carrying materials;

(7) "Automobile parking elevator" means an elevator: (a) Located in either a stationary or horizontally moving hoistway (~~((and));~~) (b) used exclusively for parking automobiles where, during the parking process, each automobile is moved either under its own power or by means of a power-driven transfer device onto and off the elevator directly into parking spaces or cubicles in line with the elevator; and (~~((where))~~) (c) in which no persons are normally stationed on any level except the receiving level;

(8) "Moving walk" means a (~~((type of))~~) passenger carrying device (a) on which passengers stand or walk and (~~((whose))~~) (b) on which the passenger carrying surface remains parallel to its direction of motion;

(9) "Belt manlift" means a (~~((device consisting of a))~~) power driven endless belt provided with steps or platforms and a hand hold (~~((attached to it))~~) for the transportation of personnel from floor to floor;

(10) (~~(("Division"))~~) "Department" means the (~~((division of industrial safety and health of the))~~) department of labor and industries;



(11) (~~"Supervisor" means the supervisor, of the division of industrial safety and health of the department of labor and industries~~) "Director" means the director of the department or his or her representative;

(12) "Inspector" means ((any safety or)) an elevator inspector of the ((division including assistant and deputy inspectors, or the mechanical or)) department or an elevator inspector((s)) of ((the)) a municipality having in effect an elevator ordinance ((as hereinafter set forth)) pursuant to RCW 70.87.200;

(13) "Permit" means a permit issued by the ((supervisor)) department to construct, install, or operate a conveyance((-);

(14) "Person" means this state, a political subdivision, any public or private corporation, any firm, or any other entity as well as an individual;

(15) "One-man capacity manlift" means a single passenger, hand-powered counterweighted device, or electric-powered device, ((which)) that travels vertically in guides and serves two or more landings.

Sec. 2. Section 2, chapter 26, Laws of 1963 and RCW 70.87.020 are each amended to read as follows:

The purpose of this chapter is to provide for the safe mechanical and electrical operation, erection, installation, alteration, inspection, and repair of conveyances, and all such operation, erection, installation, alteration, inspection, and repair subject to the provisions of this chapter shall be reasonably safe to persons and property and in conformity with the provisions of this chapter and the applicable statutes of the state of Washington, and all orders, rules, and regulations of the department (~~(of labor and industries issued by authority thereof)~~). In any suit for damages allegedly caused by a failure or malfunction of the conveyance, conformity ((in this respect)) with the ((applicable)) rules ((and regulations set forth in the American Standard Safety Code for Elevators, Dumbwaiters and Escalators shall be)) of the department is prima facie evidence that ((such)) the operation, erection, installation, alteration, inspection, and repair of the conveyance is reasonably safe to persons and property.

Sec. 3. Section 3, chapter 26, Laws of 1963 as last amended by section 10, chapter 52, Laws of 1973 1st ex. sess. and RCW 70.87.030 are each amended to read as follows:

The (~~(director of the))~~ department (~~(of labor and industries)~~) shall administer this chapter through the (~~(supervisor of the))~~ division of building and construction safety inspection services(~~(-PROVIDED, That,))~~). However, except for the new construction thereof, all hand-powered elevators, belt manlifts, and one-man capacity manlifts installed in or on grain elevators ((shall be)) are the responsibility of the division of industrial safety and health of the department ((of labor and industries)). The ((supervisor)) department shall ((promulgate and)) adopt ((such)) rules ((and regulations)) governing the mechanical and electrical operation, erection, installation, alterations, inspection, acceptance tests, and repair of conveyances ((as may

be)) that are necessary and appropriate and shall also ~~((promulgate and))~~ adopt minimum standards governing existing installations ~~((: PROVIDED; That)).~~ In the execution of this rule-making power and ~~((prior to the promulgation and))~~ before the adoption of rules ~~((and regulations by the supervisor, he)),~~ the department shall consider ~~((generally))~~ the rules ~~((and regulations))~~ for the safe mechanical operation, erection, installation, alteration, inspection, and repair of conveyances, including the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, and any amendatory or supplemental provisions thereto ~~((; and he shall be guided by the provisions thereof where pertinent and consistent with the purposes of this chapter)).~~ The ~~((director of the))~~ department ~~((of labor and industries))~~ by rule ~~((and regulation))~~ shall establish a schedule of fees to pay the costs incurred by the department for the work related to administration and enforcement of this chapter. Nothing in this chapter ~~((shall))~~ limits the authority of the ~~((division))~~ department to prescribe or enforce general or special safety orders as provided by law.

Sec. 4. Section 4, chapter 26, Laws of 1963 and RCW 70.87.040 are each amended to read as follows:

All privately owned ~~((conveyances))~~ and ~~((all))~~ publicly owned conveyances are subject to the provisions of this chapter except as ~~((hereinafter))~~ specifically excluded by this chapter.

Sec. 5. Section 5, chapter 26, Laws of 1963 as amended by section 2, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.050 are each amended to read as follows:

The operation, erection, installation, alteration, inspection, and repair of any conveyance located in, or used in connection with, any building owned by the state, a county, or ~~((any))~~ a political subdivision ~~((not otherwise exempted by this chapter, even though)),~~ other than those located within and owned by a city having an elevator code, shall be under the jurisdiction of the ~~((Washington state))~~ department ~~((of labor and industries)).~~

Sec. 6. Section 6, chapter 26, Laws of 1963 and RCW 70.87.060 are each amended to read as follows:

(1) The person ~~((or firm))~~ installing, relocating, or altering ~~((any))~~ a conveyance ~~((shall be))~~ is responsible for its operation and maintenance until the department has issued an operating permit ~~((therefor has been issued by the supervisor))~~ for the conveyance, except during the period when ~~((any))~~ a limited operating permit ~~((as defined))~~ in accordance with RCW 70.87.090(2) ~~((shall be))~~ is in effect, and ~~((shall))~~ is also ~~((be))~~ responsible for all tests of a new, relocated, ~~((and))~~ or altered ~~((equipment))~~ conveyance until the department has issued an operating permit ~~((thereof has been issued by the supervisor))~~ for the conveyance.

(2) The owner or his or her duly appointed agent shall be responsible for the safe operation and proper maintenance of the conveyance after the department has issued the operating permit (~~(has been issued by the supervisor)~~) and also during the period of effectiveness of any limited operating permit (~~(as defined)~~) in accordance with RCW 70.87.090(2). The owner shall be responsible for all periodic tests required by the (~~(supervisor)~~) department.

Sec. 7. Section 7, chapter 26, Laws of 1963 and RCW 70.87.070 are each amended to read as follows:

All new and existing conveyances shall have a serial number painted on or attached as directed by the (~~(supervisor)~~) department. This serial number shall be assigned by the (~~(supervisor)~~) department and shown on all required permits.

Sec. 8. Section 8, chapter 26, Laws of 1963 and RCW 70.87.080 are each amended to read as follows:

(1) An installation permit shall be obtained from the (~~(supervisor)~~) department before erecting, installing, relocating, or altering a conveyance.

(2) The installer of the conveyance shall submit an application for (~~(such)~~) the permit in duplicate, in (~~(such)~~) a form (~~(as)~~) that the (~~(supervisor)~~) department may prescribe.

(3) The permit issued by the (~~(supervisor)~~) department shall be kept posted conspicuously at the site of installation.

(4) No permit (~~(shall be)~~) is required for repairs and replacement normally necessary for maintenance and made with parts of equivalent materials, strength, and design.

Sec. 9. Section 9, chapter 26, Laws of 1963 and RCW 70.87.090 are each amended to read as follows:

(1) An operating permit (~~(shall be)~~) is required for each conveyance operated in the state of Washington except during its erection by the person or firm responsible for its installation. A permit issued by the (~~(supervisor)~~) department shall (~~(remain in effect and)~~) be kept conspicuously posted near the conveyance (~~(or in the machine room thereof)~~).

(2) The (~~(supervisor)~~) department may permit the temporary use of (~~(any)~~) a conveyance during its installation or alteration, under the authority of a limited permit issued by the (~~(supervisor)~~) department for each class of service. Limited permits shall be issued for a period not to exceed thirty days and may be renewed at the discretion of the (~~(supervisor)~~) department. Where a limited permit is issued, a notice bearing the information that the equipment has not been finally approved shall be conspicuously posted.

~~((3) The supervisor may at any time and after giving notice and an opportunity to be heard in accordance with the provisions of chapter 34.04~~

~~RCW, in the interest of safety, revoke any current permit to operate a conveyance:))~~

NEW SECTION. Sec. 10. (1) The department may suspend or revoke a permit if:

(a) The permit was obtained through fraud or by error if, in the absence of error, the department would not have issued the permit;

(b) The conveyance for which the permit was issued has not been constructed, installed, maintained, or repaired in accordance with the requirements of this chapter; or

(c) The conveyance has become unsafe.

(2) The department shall notify in writing the owner or person installing the conveyance, of its action and the reason for the action. The department shall send the notice by certified mail to the last known address of the owner or person. The notice shall inform the owner or person that a hearing may be requested pursuant to RCW 70.87.170.

(3) If the department has suspended or revoked a permit because of fraud or error, and a hearing is requested, the suspension or revocation shall be stayed until the hearing is concluded and a decision is issued.

If the department has revoked or suspended a permit because the conveyance is unsafe or is not constructed, installed, maintained, or repaired in accordance with this chapter, the suspension or revocation is effective immediately and shall not be stayed by a request for a hearing.

(4) The department shall remove a suspension or reinstate a revoked permit if a conveyance is repaired or modified to bring it into compliance with this chapter.

Sec. 11. Section 10, chapter 26, Laws of 1963 and RCW 70.87.100 are each amended to read as follows:

(1) The person or firm installing, relocating, or altering a conveyance((s)) shall notify the ((supervisor)) department in writing, at least seven days before completion of the work, and shall subject the new, moved, or altered portions of the ((equipment)) conveyance to the acceptance tests.

(2) All new, altered, or relocated conveyances ((where)) for which a permit has been issued, shall be inspected for compliance with the requirements of this chapter by an ((inspector in the employ)) authorized representative of the ((division who)) department. The authorized representative shall also witness the test specified.

Sec. 12. Section 11, chapter 26, Laws of 1963 and RCW 70.87.110 are each amended to read as follows:

The requirements of this chapter are intended to apply to all conveyances ((installations)) except as modified or waived by the ((supervisor)) department. They are intended to be modified or waived whenever any requirements are shown to be impracticable, such as involving expense not

justified by the protection secured(~~(-PROVIDED, That))~~. However, the department shall not allow the modification or waiver unless equivalent or safer construction is secured in other ways. ((Such)) An exception((s-shall apply)) applies only to the installation covered by the application for waiver.

Sec. 13. Section 12, chapter 26, Laws of 1963 as amended by section 2, chapter 22, Laws of 1970 ex. sess. and RCW 70.87.120 are each amended to read as follows:

(1) The ~~((supervisor))~~ department shall appoint and employ inspectors, as may be necessary to carry out the provisions of this chapter, under the provisions of the rules ~~((and regulations))~~ adopted by the state personnel board in accordance with chapter 41.06 RCW.

(2) The ~~((supervisor))~~ department shall cause all conveyances to be inspected and tested at least once each year. Inspectors ~~((shall))~~ have the right during reasonable hours to enter into and upon any building or premises in the discharge of their official duties, for the purpose of making any inspection or testing any conveyance contained thereon or therein. Inspections and tests shall conform with the rules ~~((and regulations promulgated and))~~ adopted by the ~~((supervisor))~~ department. The department shall inspect all installations ((shall be inspected by the supervisor)) before it issues any initial permit for operation ((shall be issued)). Permits shall not be issued until the fees ((herein)) required by this chapter have been paid.

(3) If inspection shows a conveyance to be in an unsafe condition, the ~~((supervisor))~~ department shall issue an inspection report in writing requiring the repairs or alterations to be made to the conveyance ~~((which)) that are necessary to render it safe((, and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed))~~ and may also suspend or revoke a permit pursuant to section 10 of this 1983 act or order the operation of a conveyance discontinued pursuant to section 15 of this 1983 act.

(4) The department may investigate accidents and alleged or apparent violations of this chapter.

Sec. 14. Section 14, chapter 26, Laws of 1963 and RCW 70.87.140 are each amended to read as follows:

Whenever any conveyance is being operated without ~~((the))~~ a permit ((herein)) required by this chapter, the attorney general or the prosecuting attorney of the county may apply to the superior court of the county in which the conveyance is located for ~~((an))~~ a temporary restraining order or a temporary or permanent injunction restraining the operation ((thereof)) of the conveyance until ((such condition is corrected)) the department issues a permit for the conveyance. No bond ((shall)) may be required from the ((division)) department in such proceedings.

**NEW SECTION.** Sec. 15. (1) An authorized representative of the department may order the owner or person operating a conveyance to discontinue the operation of a conveyance, and may place a notice that states that the conveyance may not be operated on a conspicuous place in the conveyance, if the conveyance:

(a) Has not been constructed, installed, maintained, or repaired in accordance with the requirements of this chapter; or

(b) Has otherwise become unsafe.

The order is effective immediately, and shall not be stayed by a request for a hearing.

(2) The department shall prescribe a form for the order to discontinue operation. The order shall specify why the conveyance violates this chapter or is otherwise unsafe, and shall inform the owner or operator that he or she may request a hearing pursuant to RCW 70.87.170. A request for a hearing does not stay the effect of the order.

(3) The department shall rescind the order to discontinue operation if the conveyance is fixed or modified to bring it into compliance with this chapter.

(4) An owner or a person that knowingly operates or allows the operation of a conveyance in contravention of an order to discontinue operation, or removes a notice not to operate, is:

(a) Guilty of a misdemeanor; and

(b) Subject to a civil penalty under section 18 of this act.

Sec. 16. Section 17, chapter 26, Laws of 1963 and RCW 70.87.170 are each amended to read as follows:

(1) Any person aggrieved by ((any)) an order or action of the ((supervisor)) department denying, suspending, revoking, or refusing to renew a permit; assessing a penalty for a violation of this chapter; or ordering the operation of a conveyance to be discontinued, may ((have the same reviewed by the courts in accordance with the provisions of chapter 34.04 RCW)) request a hearing within fifteen days after notice the department's order or action is received. The date the hearing was requested shall be the date the request for hearing was postmarked. The party requesting the hearing must accompany the request with a certified or cashier's check for two hundred dollars payable to the department. The department shall refund the two hundred dollars if the party requesting the hearing prevails at the hearing; otherwise, the department shall retain the two hundred dollars.

If the department does not receive a timely request for hearing, the department's order or action is final and may not be appealed.

(2) If the aggrieved party requests a hearing, the department shall ask an administrative law judge to preside over the hearing. The hearing shall be conducted in accordance with chapter 34.04 RCW.

Sec. 17. Section 18, chapter 26, Laws of 1963 and RCW 70.87.180 are each amended to read as follows:

~~((1))~~ The construction, installation, relocation, alteration, or operation of a conveyance without a permit by any person owning or having the custody, management, or operation thereof ~~((without a permit))~~, except as provided in RCW 70.87.080 and 70.87.090, is a misdemeanor ~~((and shall be punishable by a fine not to exceed two hundred fifty dollars, or ninety days in the county jail))~~. Each day of violation ~~((shall be))~~ is a separate offense. No prosecution ~~((shall))~~ may be maintained where the issuance or renewal of a permit has been requested but upon which no action has been taken by the ~~((supervisor))~~ department.

~~((2) Every person who shall wilfully or continuously violate or fail to comply with any rule or regulation of the division promulgated under authority of this chapter, shall be punished by a penalty of not more than two hundred fifty dollars:))~~

NEW SECTION. Sec. 18. (1) The department may assess a penalty against a person violating a provision of this chapter. The penalty shall be not more than five hundred dollars. Each day that the violation continues is a separate violation and is subject to a separate penalty.

(2) The department may not assess a penalty until it adopts rules describing the method it will use to calculate penalties for various violations.

(3) The department shall notify the violator of its action, and the reasons for its action, in writing.\* The department shall send the notice by certified mail to the violator's last known address. The notice shall inform the violator that a hearing may be requested under RCW 70.87.170. The hearing shall not stay the effect of the penalty.

NEW SECTION. Sec. 19. The department also has the following powers:

(1) The department may adopt any rules necessary or helpful for the department to implement and enforce this chapter.

(2) The director may issue subpoenas for the production of persons, papers, or information in all proceedings and investigations within the scope of this chapter. If a person refuses to obey a subpoena, the director, through the attorney general, may ask the superior court to order the person to obey the subpoena.

(3) The director may take the oral or written testimony of any person. The director has the power to administer oaths.

(4) The director may make specific decisions, cease and desist orders, other orders, and rulings, including demands and findings.

NEW SECTION. Sec. 20. On request of the department, the attorney general may:

(1) File suit to collect a penalty assessed by the department;

(2) Seek a civil injunction, show cause order, or contempt order against the person who repeatedly violates a provision of this chapter;

(3) Seek an ex parte inspection warrant if the person refuses to allow the department to inspect a conveyance;

(4) File suit asking the court to enforce a cease and desist order or a subpoena issued by the director under this chapter; and

(5) Take any other legal action appropriate and necessary for the enforcement of the provisions of this chapter.

All suits shall be brought in the district or superior court of the district or county in which the defendant resides or transacts business. In any suit or other legal action, the department may ask the court to award costs and attorney's fees. If the department prevails, the court shall award the appropriate costs and attorney's fees.

Sec. 21. Section 19, chapter 26, Laws of 1963 and RCW 70.87.190 are each amended to read as follows:

The owner or ~~((his))~~ the owner's duly authorized agent shall promptly notify the ~~((supervisor))~~ department of each ~~((and every))~~ accident to a person requiring the service of a physician or resulting in a disability exceeding one day, and shall afford the ~~((supervisor))~~ department every facility for investigating and inspecting ~~((such))~~ the accident. The ~~((supervisor))~~ department shall without delay, after being notified, make an inspection and shall ~~((have placed))~~ place on file a full and complete report of ~~((such))~~ the accident. ~~((Such))~~ The report shall give in detail all material facts and information available and the cause or causes, so far as they can be determined. The report shall be open to public inspection at all reasonable hours. When an accident involves the failure or destruction of any part of the construction or the operating mechanism of a conveyance, the use of ~~((such device))~~ the conveyance is forbidden until it has been made safe ~~((and until))~~; it has been reinspected and any repairs, changes, or alterations have been approved by the ~~((supervisor))~~ department; and a permit ~~((on such a form as he may prescribe))~~ has been issued by ~~((him))~~ the department. The removal of any part of the damaged construction or operating mechanism from the premises is forbidden until the department grants permission to do so ~~((has been granted by the supervisor))~~.

Sec. 22. Section 20, chapter 26, Laws of 1963 as amended by section 4, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.200 are each amended to read as follows:

(1) The provisions of this chapter ~~((shall))~~ do not apply where:

~~((+))~~ (a) A conveyance is permanently removed from service ~~((and/))~~ or made effectively inoperative; or ~~((to))~~

(b) Lifts, man hoists, or material hoists ~~((which))~~ are erected temporarily for use during ~~((or for the duration of))~~ construction work only and are of such a design that they must be operated by a workman stationed at the hoisting machine.

(2) Except as limited by RCW 70.87.050, municipalities having in effect an elevator code prior to ~~((the adoption of the original act of 1963))~~ June



13, 1963 may continue to assume jurisdiction over the operation, erection, installation, alteration, or repair of elevators, escalators, dumbwaiters, moving walks, manlifts, and parking elevators and may inspect, issue permits, collect fees, and prescribe minimum requirements for the construction, design, use, and maintenance of ~~((such))~~ conveyances ~~((providing such))~~ if the requirements are equal to ~~((or in conformity with))~~ the requirements of this chapter and to all rules ~~((and regulations))~~ pertaining to ~~((such))~~ conveyances ~~((as))~~ adopted and administered by the ~~((Washington state))~~ department ~~((of labor and industries))~~. Upon the failure of ~~((any))~~ a municipality having jurisdiction over conveyances to carry out the provisions of this chapter with regard to ~~((any conveyances or))~~ a conveyance, the ~~((Washington state))~~ department ~~((of labor and industries))~~ may assume jurisdiction over ~~((any such))~~ the conveyance(s). If a municipality ~~((upon electing))~~ elects not to maintain jurisdiction over certain conveyances located therein, it ~~((mutually))~~ enter into a written agreement with the ~~((Washington state))~~ department ~~((of labor and industries))~~ transferring exclusive jurisdiction of ~~((such))~~ the conveyances to ~~((said))~~ the department. The city may not reassume jurisdiction after it enters into such an agreement with the department.

**NEW SECTION.** Sec. 23. (1) Disputes arising under RCW 70.87.200(2) shall be resolved by arbitration. The request shall be sent by certified mail.

(2) The department shall appoint one arbitrator; the municipality shall appoint one arbitrator; and the arbitrators chosen by the department and the municipality shall appoint the third arbitrator. If the two arbitrators cannot agree on the third arbitrator, the presiding judge of the Thurston county superior court, or his or her designee, shall appoint the third arbitrator.

(3) The arbitration shall be held pursuant to the procedures in chapter 7.04 RCW, except that RCW 7.04.220 shall not apply. The decision of the arbitrators is final and binding on the parties. Neither party may appeal a decision to any court.

(4) A party may petition the Thurston county superior court to enforce a decision of the arbitrators.

Sec. 24. Section 22, chapter 26, Laws of 1963 and RCW 70.87.900 are each amended to read as follows:

If any provision of this ~~((act;))~~ chapter or its application to any person or circumstance is held invalid, the remainder of the ~~((act))~~ chapter, or the application of the provision to other persons or circumstances, is not affected.

**NEW SECTION.** Sec. 25. The following acts or parts of acts are each repealed:

(1) Section 15, chapter 26, Laws of 1963 and RCW 70.87.150; and

(2) Section 16, chapter 26, Laws of 1963 and RCW 70.87.160.

**NEW SECTION.** Sec. 26. Sections 10, 15, 18, 19, 20, and 23 of this act are each added to chapter 70.87 RCW.

Passed the Senate March 2, 1983.

Passed the House April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 124

[Substitute Senate Bill No. 3054]

### PLUMBERS—LICENSING—VIOLATIONS—PROCEDURES

AN ACT Relating to certification of plumbers; amending section 1, chapter 175, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.010; amending section 5, chapter 175, Laws of 1973 1st ex. sess. as amended by section 5, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.050; amending section 7, chapter 175, Laws of 1973 1st ex. sess. as amended by section 7, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.070; amending section 2, chapter 175, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.020; adding new sections to chapter 18.106 RCW; repealing section 6, chapter 175, Laws of 1973 1st ex. sess., section 6, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.060; repealing section 16, chapter 175, Laws of 1973 1st ex. sess., section 10, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.160; prescribing penalties; and providing an effective date.

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

Sec. 1. Section 1, chapter 175, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 149, Laws of 1977 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(;

~~(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 5, chapter 175, Laws of 1973 1st ex. sess. as amended by section 5, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.050 are each amended to read as follows:

The department, ~~((in coordination))~~ with the advice of 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))~~ are identified with the ((status)) trade 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 eligible persons ~~((eligible to take the same under the provisions of RCW 18.106.040)).~~ All applicants shall, before taking ~~((such))~~ the examination, pay to the department a ~~((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))~~ the examination, and shall notify the applicant in writing whether he or she has passed or failed. Any applicant who has failed the examination may ~~((petition the department to))~~ retake the examination, upon ~~((such))~~ the terms and after ~~((such))~~ a period of time ~~((as))~~ that the director ~~((in cooperation with the advisory board;))~~ shall ~~((deem necessary and proper))~~ set by rule. The director may not limit the number of times that a person may take the examination.

Sec. 3. Section 7, chapter 175, Laws of 1973 1st ex. sess. as amended by section 7, chapter 149, Laws of 1977 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))~~ and have paid the fee for the certificate. The certificate shall bear the date of issuance, and shall expire on the ~~((first of July))~~ birthdate of the holder immediately following the date of issuance. The certificate shall be renewable ~~((annually))~~ every other year, upon application, on or before the ~~((first of July. An annual))~~ birthdate of the holder. A renewal fee ~~((of twenty-five dollars))~~ shall be assessed for each certificate. If a person

fails to renew the certificate by the renewal date, he or she must pay a doubled fee. If the person does not renew the certificate within ninety days of the renewal date, he or she must retake the examination and pay the examination fee.

The certificate((s)) of competency ((or)) and the temporary permit((s)) 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)) their 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)) the work((-PROVIDED, HOWEVER, That)). This ((shall)) section does not preclude employees from adhering to a union security clause in any employment where such a requirement exists.

Sec. 4. Section 2, chapter 175, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.020 are each amended to read as follows:

~~((No person shall engage in the 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.))~~ (1) No person may engage in the trade of plumbing without having a journeyman certificate, specialty certificate, temporary permit or without being supervised by a person who has a journeyman certificate, specialty certificate, or temporary permit.

(2) Violation of subsection (1) of this section is an infraction.

NEW SECTION. Sec. 5. Each day in which a person engages in the trade of plumbing in violation of RCW 18.106.020 is a separate infraction. Each work site at which a person engages in the trade of plumbing in violation of RCW 18.106.020 is a separate infraction.

NEW SECTION. Sec. 6. An authorized representative of the department may investigate alleged or apparent violations of this chapter. An authorized representative of the department upon presentation of credentials may inspect sites at which a person is doing plumbing work for the purpose of determining whether that person has a certificate or permit issued by the department in accordance with this chapter or is supervised by a person who has such a certificate or permit. Upon request of the authorized representative of the department, a person doing plumbing work shall produce evidence that the person has a certificate or permit issued by the department in accordance with this chapter or is supervised by a person who has such a certificate or permit.

NEW SECTION. Sec. 7. An authorized representative of the department may issue a notice of infraction if a person who is doing plumbing work fails to produce evidence of having a certificate or permit issued by the department in accordance with this chapter or of being supervised by a

person who has such a certificate or permit. A notice of infraction issued under this section shall be personally served on the person named in the notice by an authorized representative of the department.

**NEW SECTION.** Sec. 8. A violation designated as an infraction under this chapter shall be heard and determined by a district court. A notice of infraction shall be filed in the district court district in which the infraction is alleged to have occurred. If a notice of infraction is filed in a court which is not the proper venue, the notice shall be dismissed without prejudice on motion of either party.

**NEW SECTION.** Sec. 9. (1) The form of the notice of infraction issued under this chapter shall be prescribed by the supreme court following consultation with the department. To the extent practicable, the notice of infraction issued under this chapter shall conform to the notice of traffic infraction prescribed by the supreme court pursuant to RCW 46.63.060.

(2) The notice of infraction shall include the following:

(a) A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(c) A statement of the specific infraction for which the notice was issued;

(d) A statement that a one hundred dollar monetary penalty has been established for the infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses, including the authorized representative of the department who issued and served the notice of infraction;

(g) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter;

(h) A statement that refusal to sign the infraction as directed in subsection (2)(g) of this section is a misdemeanor; and

(i) A statement that failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a fine or imprisonment in jail.

**NEW SECTION.** Sec. 10. Unless contested in accordance with this chapter, the notice of infraction represents a determination that the person to whom the notice was issued committed the infraction.

**NEW SECTION.** Sec. 11. (1) A person who receives a notice of infraction shall respond to the notice as provided in this section within fourteen days of the date the notice was served.

(2) If the person named in the notice of infraction does not wish to contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department.

(3) If the person named in the notice of infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than fourteen days from the date of the notice, except by agreement of the parties.

(4) If any person issued a notice of infraction:

(a) Fails to respond to the notice of infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (3) of this section;

the court shall enter an appropriate order assessing the monetary penalty prescribed for the infraction and shall notify the department of the failure to respond to the notice of infraction or to appear at a requested hearing.

(5) An order entered by the court under subsection (4)(b) of this section may, for good cause shown and upon such terms as the court deems just, be set aside for the same grounds a default judgment may be set aside in civil actions in courts of limited jurisdiction.

**NEW SECTION.** Sec. 12. A person subject to proceedings under this chapter may appear or be represented by counsel. The department shall be represented by the attorney general in any proceeding under this chapter.

**NEW SECTION.** Sec. 13. (1) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.

(2) The court may consider the notice of infraction and any other written report made under oath submitted by the department's authorized representative who issued and served the notice in lieu of his or her personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the authorized representative who issued and served the notice, and has the right to present evidence and examine witnesses present in court.

(3) The burden of proof is on the department to establish the commission of the infraction by a preponderance of the evidence. The notice of infraction shall be dismissed if the defendant establishes that, at the time the notice was issued, the defendant was registered by the department or was exempt from registration.

(4) After consideration of the evidence and argument, the court shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. If it has been established that the infraction was committed, an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the department.

(5) An appeal from the court's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

NEW SECTION. Sec. 14. It is a misdemeanor for any person who has been personally served with a notice of infraction:

(1) To refuse to sign a written promise to respond to the notice; or

(2) To wilfully violate the written promise to respond to a notice of infraction as provided in this chapter, regardless of the ultimate disposition of the infraction.

NEW SECTION. Sec. 15. The court shall, within thirty days after entry of an order under this chapter, forward a record of the court's order to the department on a form prescribed by the department.

NEW SECTION. Sec. 16. (1) A person found to have committed an infraction under RCW 18.106.020 shall be assessed a monetary penalty of one hundred dollars.

(2) The court may waive, reduce, or suspend the monetary penalty imposed for the infraction.

(3) Monetary penalties collected under this chapter shall be remitted as provided in chapter 3.62 RCW.

NEW SECTION. Sec. 17. The department shall charge fees for issuance, renewal, and reinstatement of all certificates and permits and for examinations required by this chapter. The department shall set the fees by rule.

The fees shall cover the full cost of issuing the certificates and permits, devising and administering the examinations, and administering and enforcing this chapter. The costs shall include travel, per diem, and administrative support costs.

NEW SECTION. Sec. 18. Sections 5 through 17 of this act are added to chapter 18.106 RCW.

NEW SECTION. Sec. 19. Section 6, chapter 175, Laws of 1973 1st ex. sess., section 6, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.060 are each repealed.

NEW SECTION. Sec. 20. Section 16, chapter 175, Laws of 1973 1st ex. sess., section 10, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.160 are each repealed.

NEW SECTION. Sec. 21. Sections 4 through 16 of this act shall take effect on January 1, 1984.

Passed the Senate March 24, 1983.

Passed the House April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

CHAPTER 125

[Senate Bill No. 3089]

SCHOOLS—JOINT PURCHASES BY PUBLIC AND PRIVATE—SURETY BOND

AN ACT Relating to education; and amending section 28A.58.107, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 308, Laws of 1981 and RCW 28A.58.107.

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

Sec. 1. Section 28A.58.107, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 308, Laws of 1981 and RCW 28A.58.107 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Provide for the expenditure of a reasonable amount for suitable commencement exercises;

(2) In addition to providing free instruction in lip reading for children handicapped by defective hearing, make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned;

(3) Join with boards of directors of other school districts or an educational service district pursuant to RCW 28A.21.086(3), as now or hereafter amended, or both such school districts and educational service district in buying supplies, equipment and services by establishing and maintaining a joint purchasing agency, or otherwise, when deemed for the best interests of the district, any joint agency formed hereunder being herewith authorized and empowered to issue interest bearing warrants in payment of any obligation owed: PROVIDED, HOWEVER, That those agencies issuing interest bearing warrants shall assign accounts receivable in an amount equal to the amount of the outstanding interest bearing warrants to the county treasurer issuing such interest bearing warrants: PROVIDED FURTHER,



That the joint purchasing agency shall consider the request of any one or more private schools requesting the agency to jointly buy supplies, equipment, and services, and, after considering such request, may cooperate with and jointly make purchases with private schools of supplies, equipment, and services so long as such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases;

(4) Consider the request of any one or more private schools requesting the board to jointly buy supplies, equipment and services, and, after considering such request, may provide such joint purchasing services: PROVIDED, That such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases; and

(5) Prepare budgets as provided for in chapter 28A.65 RCW.

Passed the Senate March 1, 1983.

Passed the House April 18, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 126

[Substitute Senate Bill No. 3094]

### PROPERTY DEVELOPMENT CONDITIONED ON STREET IMPROVEMENTS— CITIES AND TOWNS—AUTHORIZED TO CONTRACT WITH REAL ESTATE OWNERS

AN ACT Relating to street improvements; and adding a new chapter to Title 35 RCW.

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

NEW SECTION. Sec. 1. The legislative authority of any city, town, or county may contract with owners of real estate for the construction or improvement of street projects which the owners elect to install as a result of ordinances that require the projects as a prerequisite to further property development.

NEW SECTION. Sec. 2. The contract may provide for the partial reimbursement to the owner or the owner's assigns for a period not to exceed fifteen years of a portion of the costs of the project by other property owners who:

- (1) Are determined to be within the assessment reimbursement area pursuant to section 4 of this act;
- (2) Are determined to have a reimbursement share based upon a benefit to the property owner pursuant to section 3 of this act;
- (3) Did not contribute to the original cost of the street project; and

(4) Subsequently develop their property within the fifteen-year period and at the time of development were not required to install similar street projects because they were already provided for by the contract.

Street projects subject to reimbursement may include design, grading, paving, installation of curbs, gutters, storm drainage, sidewalks, street lighting, traffic controls, and other similar improvements, as required by the street standards of the city, town, or county.

**NEW SECTION.** Sec. 3. The reimbursement shall be a pro rata share of construction and reimbursement of contract administration costs of the street project. A city, town, or county shall determine the reimbursement share by using a method of cost apportionment which is based on the benefit to the property owner from such project.

**NEW SECTION.** Sec. 4. The procedures for assessment reimbursement contracts shall be governed by the following:

(1) An assessment reimbursement area shall be formulated by the city, town, or county based upon a determination by the city, town, or county of which parcels adjacent to the improvements would require similar street improvements upon development.

(2) The preliminary determination of area boundaries and assessments, along with a description of the property owners' rights and options, shall be forwarded by registered mail to the property owners of record within the proposed assessment area. If any property owner requests a hearing in writing within twenty days of the mailing of the preliminary determination, a hearing shall be held before the legislative body, notice of which shall be given to all affected property owners. The legislative body's ruling is determinative and final.

(3) The contract must be recorded in the appropriate county auditor's office within thirty days of the final execution of the agreement.

(4) If the contract is so filed, it shall be binding on owners of record within the assessment area who are not party to the contract.

**NEW SECTION.** Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 35 RCW.

Passed the Senate March 16, 1983.

Passed the House April 18, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 127

[Engrossed Senate Bill No. 3130]

## ATTORNEYS' FEES—FRIVOLOUS CIVIL ACTIONS

AN ACT Relating to attorneys' fees for prevailing parties in frivolous actions or defenses and for certain other prevailing parties; adding new sections to chapter 4.84 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. There is added to chapter 4.84 RCW a new section to read as follows:

In any civil action, the court having jurisdiction may, upon final judgment and written findings by the trial judge that the action, counterclaim, cross-claim, third party claim, or defense was frivolous and advanced without reasonable cause, require the nonprevailing party to pay the prevailing party the reasonable expenses, including fees of attorneys, incurred in opposing such action, counterclaim, cross-claim, third party claim, or defense. This determination shall be made upon post-trial motion, and the trial judge shall consider the action, counterclaim, cross-claim, third party claim, or defense as a whole.

The provisions of this section apply unless otherwise specifically provided by statute.

NEW SECTION. Sec. 2. The law revision commission shall conduct a study to analyze and evaluate the issues involved in enacting legislation to allow attorneys' fees to a prevailing party who acts as a private attorney general. The commission shall report its findings and recommendations, including proposed legislation, to the legislature prior to January 1, 1984.

Passed the Senate March 7, 1983.

Passed the House April 18, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 128

[Senate Bill No. 3140]

MAYOR-COUNCIL CODE CITIES—POPULATION FLUXES—  
COUNCILMANIC VACANCY PROCEDURE

AN ACT Relating to code cities; amending section 35A.12.010, chapter 119, Laws of 1967 ex. sess. as last amended by section 19, chapter 18, Laws of 1979 ex. sess. and RCW 35A.12.010; and amending section 35A.13.010, chapter 119, Laws of 1967 ex. sess. as last amended by section 24, chapter 18, Laws of 1979 ex. sess. and RCW 35A.13.010.

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

Sec. 1. Section 35A.12.010, chapter 119, Laws of 1967 ex. sess. as last amended by section 19, chapter 18, Laws of 1979 ex. sess. and RCW 35A.12.010 are each amended to read as follows:

The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a mayor-council code city, its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such ((a)) city ((staff)) may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a mayor-council code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In ((that)) the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of councilmen not exceeding eleven.

Sec. 2. Section 35A.13.010, chapter 119, Laws of 1967 ex. sess. as last amended by section 24, chapter 18, Laws of 1979 ex. sess. and RCW 35A.13.010 are each amended to read as follows:

The councilmen shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective police judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from

twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such ~~((a))~~ city ~~((shall))~~ may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a council-manager code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. ~~((It [In] that))~~ In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.13.020, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmen not exceeding eleven.

Passed the Senate March 15, 1983.

Passed the House April 18, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

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## CHAPTER 129

[Substitute Senate Bill No. 3151]

### ATTORNEYS HIRED TEMPORARILY BY CITIES AND TOWNS FOR PROSECUTOR DUTIES—CONTRACT DURATION

AN ACT Relating to counties; and amending section 36.32.200, chapter 4, Laws of 1963 and RCW 36.32.200.

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

Sec. 1. Section 36.32.200, chapter 4, Laws of 1963 and RCW 36.32.200 are each amended to read as follows:

It shall be unlawful for ~~((the board of))~~ a county ~~((commissioners))~~ legislative authority to employ~~(;)~~ or contract with~~(, or pay)~~ any ~~((special))~~ attorney or counsel to perform any duty which ~~((the attorney general or))~~ any prosecuting attorney is authorized or required by law to perform, unless the contract of employment of such ~~((special))~~ attorney or counsel has been first reduced to writing and approved by the presiding superior court judge of the county ~~((or a majority of the judges))~~ in writing endorsed thereon. This section shall not prohibit the appointment of deputy prosecuting attorneys in the manner provided by law.

Any contract written pursuant to this section shall be limited to two years in duration.

Passed the Senate March 24, 1983.

Passed the House April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 130

[Reengrossed Substitute Senate Bill No. 3161]

### SERVICE DISTRICTS—BRIDGE OR ROAD IMPROVEMENTS CAPITAL AND MAINTENANCE COST FUNDING—IMPROVEMENT DISTRICTS—POWERS AND DUTIES

AN ACT Relating to service districts; amending section 19, chapter 2, Laws of 1983 and RCW 84.52.052; and adding a new chapter to Title 36 RCW.

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

**NEW SECTION.** Sec. 1. The legislative authority of a county may establish one or more service districts within the county for the purpose of providing and funding capital and maintenance costs for any bridge or road improvement a road district has the authority to provide. A service district may not include any area within the corporate limits of a city or town unless the city or town governing body adopts a resolution approving inclusion of the area within its limits. A service district is a quasi municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

A service district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued. All projects constructed by a service district pursuant to the provisions of this chapter shall be competitively bid and contracted.

The county legislative authority shall be the governing body of a service district. The county treasurer shall act as the ex officio treasurer of the service district. The electors of a service district are all registered voters residing within the district.

**NEW SECTION.** Sec. 2. (1) A county legislative authority proposing to establish a service district, or to modify the boundaries of an existing service district, or to dissolve an existing service district, shall conduct a hearing at the time and place specified in a notice published at least once, not less than ten days prior to the hearing, in a newspaper of general circulation within the proposed service district. This notice shall be in addition to any other notice required by law to be published. The notice shall, where

applicable, specify the functions or activities proposed to be provided or funded, or the additional functions or activities proposed to be provided or funded, by the service district. Additional notice of the hearing may be given by mail, posting within the proposed service district, or in any manner the county legislative authority deems necessary to notify affected persons. All hearings shall be public and the county legislative authority shall hear objections from any person affected by the formation, modification of the boundaries, or dissolution of the service district.

(2) Following the hearing held pursuant to subsection (1) of this section, the county legislative authority may establish a service district, modify the boundaries or functions of an existing service district, or dissolve an existing service district, if the county legislative authority finds the action to be in the public interest and adopts an ordinance providing for the action. The ordinance establishing a service district shall specify the functions or activities to be exercised or funded and establish the boundaries of the service district. Functions or activities proposed to be provided or funded by the service district may not be expanded beyond those specified in the notice of hearing, unless additional notices are made, further hearings on the expansion are held, and further determinations are made that it is in the public interest to so expand the functions or activities proposed to be provided or funded.

(3) At any time prior to the county legislative authority establishing a service district pursuant to this section, all further proceedings shall be terminated upon the filing of a verified declaration of termination signed by the owners of real property consisting of at least sixty percent of the assessed valuation in the proposed service district.

**NEW SECTION.** Sec. 3. (1) A service district may levy an ad valorem property tax, in excess of the one percent limitation, upon the property within the district for a one-year period whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A service district may provide for the retirement of voter approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

**NEW SECTION.** Sec. 4. (1) To carry out the purpose of this chapter, a service district may issue general obligation bonds, not to exceed an amount, together with any other outstanding nonvoter approved general obligation indebtedness, equal to three-eighths of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A service district may additionally issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and

one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the service district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in section 3(2) of this act. The service district may submit a single proposition to the voters which, if approved, authorizes both the issuance of the bonds and the bond retirement property tax levies.

(2) General obligation bonds with a maturity in excess of forty years shall not be issued. The governing body of the service district shall by resolution determine for each general obligation bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. Refunding general obligation bonds may be issued in the same manner as general obligation bonds are issued.

(3) Whenever general obligation bonds are issued to fund specific projects or enterprises that generate revenues, charges, user fees, or special assessments, the service district which issues the bonds may specifically pledge all or a portion of the revenues, charges, user fees, or special assessments to refund the general obligation bonds.

NEW SECTION. Sec. 5. (1) A service district may form a local improvement district or utility local improvement district to provide any local improvement it has the authority to provide, impose special assessments on all property specially benefited by the local improvements, and issue special assessment bonds or revenue bonds to fund the costs of the local improvement. Improvement districts shall be created and assessments shall be made and collected pursuant to chapters 35.43, 35.44, 35.49, 35.50, 35.53, and 35.54 RCW.

(2) The governing body of a service district shall by resolution establish for each special assessment bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or



not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. The maximum term of any special assessment bonds shall not exceed thirty years beyond the date of issue. Special assessment bonds issued pursuant to this section shall not be an indebtedness of the service district issuing the bonds, and the interest and principal on the bonds shall only be payable from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund that the service district has created. The owner or bearer of a special assessment bond or any interest coupon issued pursuant to this section shall not have any claim against the service district arising from the bond or coupon except for the payment from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund the service district has created. The service district issuing the special assessment bonds is not liable to the owner or bearer of any special assessment bond or any interest coupon issued pursuant to this section for any loss occurring in the lawful operation of its local improvement guaranty fund. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each special assessment bond issued pursuant to this section.

(3) The governing body may establish and pay moneys into a local improvement guaranty fund to guarantee special assessment bonds issued by the service district.

(4) The governing body of a service district shall provide for the payment of both the special assessments which are imposed and a portion of the utility income from the utility improvement into a special fund established for the payment of the revenue bonds to defray the cost of the utility local improvement district whenever it desires to create a utility local improvement district and issue revenue bonds to fund the local improvement.

NEW SECTION. Sec. 6. Where physical bonds are issued pursuant to sections 4 or 5 of this act, the bonds shall be printed, engraved, or lithographed on good bond paper and the manual or facsimile signatures of both the treasurer and chairperson of the governing body shall be included on each bond.

NEW SECTION. Sec. 7. (1) The proceeds of any bond issued pursuant to sections 4 or 5 of this act may be used to pay costs incurred on such bond issue related to the sale and issuance of the bonds. Such costs include payments for fiscal and legal expenses, obtaining bond ratings, printing, engraving, advertising, and other similar activities.

(2) In addition, proceeds of bonds used to fund capital projects may be used to pay the necessary and related engineering, architectural, planning, and inspection costs.

NEW SECTION. Sec. 8. A service district may accept and expend or use gifts, grants, and donations.

NEW SECTION. Sec. 9. A service district may exercise the power of eminent domain to obtain property for its authorized purposes in the manner counties exercise the powers of eminent domain.

NEW SECTION. Sec. 10. The rule of strict construction does not apply to this chapter, and this chapter shall be liberally construed to permit the accomplishment of its purposes.

Sec. 11. Section 19, chapter 2, Laws of 1983 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, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, service district, public hospital district, road district, rural county library district, island 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, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium and convention district in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 64 and as thereafter amended, at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium and convention district, 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. 12. Sections 1 through 10 of this act constitute a new chapter in Title 36 RCW.

Passed the Senate March 21, 1983.

Passed the House April 17, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 131

[Senate Bill No. 3167]

### STATE ROUTE 530—EXTENDED TO ROCKPORT

AN ACT Relating to state route number 530; and amending section 152, chapter 51, Laws of 1970 ex. sess. as amended by section 20, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.755.

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

Sec. 1. Section 152, chapter 51, Laws of 1970 ex. sess. as amended by section 20, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.755 are each amended to read as follows:

A state highway to be known as state route number 530 is established as follows:

Beginning at a junction with state route number 5 at Conway, thence southerly by way of Stanwood, thence southeasterly to a junction with state route number 5, thence easterly to a junction with state route number 9 at Arlington, thence easterly to Darrington, thence northerly to a junction with state route number 20 at Rockport.

Passed the Senate February 15, 1983.

Passed the House April 17, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 132

[Substitute Senate Bill No. 3239]

### COLD STORAGE WAREHOUSE DEFINED—BUSINESS TAX

AN ACT Relating to excise taxes; and amending section 2, chapter 8, Laws of 1970 ex. sess. as last amended by section 3, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.280.

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

Sec. 1. Section 2, chapter 8, Laws of 1970 ex. sess. as last amended by section 3, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.280 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right

of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6), as now or hereafter amended; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of forty-four one hundredths of one percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

Passed the Senate March 10, 1983.

Passed the House April 18, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

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## CHAPTER 132

[Senate Bill No. 3250]

### FERRIES—CONTRACT PREQUALIFICATION

AN ACT Relating to Washington state ferries; amending section 31, chapter 1, Laws of 1973 as last amended by section 1, chapter 64, Laws of 1982 and RCW 42.17.310; adding new sections to chapter 47.60 RCW; repealing section 2, chapter 166, Laws of 1977 ex. sess. and RCW 47.60.660; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. No contract for the construction, improvement, or repair of a ferry, ferry terminal, or other facility operated by the Washington state ferries or for the repair, overhaul, or the dry-docking of any ferry operated by Washington state ferries may be awarded to any contractor who has not first been prequalified to perform the work by the department of transportation. No bid or proposal for such a contract may be received from any contractor who has not first been prequalified to perform the work by the department of transportation.

**NEW SECTION.** Sec. 2. The secretary of transportation shall adopt rules prescribing standards and criteria to assure that each ferry system construction and repair contract described in section 1 of this act shall be awarded to a competent and responsible contractor who has all of the following qualifications:

(1) Adequate financial resources, which may take into account the ability of the contractor to secure such resources;

(2) The necessary organization, personnel, equipment, facilities, experience, and technical qualification to perform ferry system construction and repair contracts generally and with respect to any specific contract such additional special qualifications as may be necessary to perform the contract;

(3) The ability to comply with the department's performance schedules taking into account the outstanding work on all of the contractor's construction and repair contracts;

(4) A satisfactory record of performing previous contracts;

(5) A satisfactory record of integrity, judgment, and skills; and

(6) Such other qualifications as the secretary may prescribe to assure that prequalified contractors are competent and responsible.

**NEW SECTION.** Sec. 3. Any contractor desiring to submit bids or proposals for ferry system construction or repair contracts as described in section 1 of this act shall file an application for prequalification with the department. The application shall be on a standard form supplied by the department. The form shall require a complete statement of the applicant's financial ability, including a statement of the applicant's current net assets and working capital. The form shall require such additional information as may be necessary for the department to determine whether or not the applicant is entitled to be prequalified in accordance with sections 1 through 9 of this act and the rules adopted thereunder.

**NEW SECTION.** Sec. 4. Upon request by the department an applicant for prequalification shall authorize the department to obtain any information pertinent to the application, including information relating to the applicant's net worth, assets, and liabilities, from banks or other financial institutions, surety companies, and material and equipment suppliers.

**NEW SECTION.** Sec. 5. Upon receipt of an application by a contractor for prequalification to perform ferry system construction and repair contracts, the department shall conduct such additional investigation as it deems necessary. If it finds that the applicant is qualified in accordance with the rules as adopted by the secretary, the department shall prequalify the contractor to perform the contracts for a period of one year. The prequalification shall fix the aggregate dollar amount of work, including any contract let by the department, that the contractor may have under contract and uncompleted at any one time and may limit the contractor to the submission of bids or proposals upon a certain class of work. Subject to any restrictions on the dollar amount or class of work specified thereunder, the prequalification shall authorize a contractor to bid or submit proposals on all ferry system construction and repair contracts mentioned in section 1 of this act except contracts requiring special prequalification. If the department determines that an applicant is not entitled to prequalification, it shall give written notice of the determination to the applicant.

**NEW SECTION.** Sec. 6. A contractor may apply annually for renewal of its prequalification by submission of a new or supplemental questionnaire and financial statement on standard forms provided by the department. Based upon information received at the time of renewal or at any other time the department may amend the prequalification of the contractor as to the dollar amount or class of work that the contractor may perform or may refuse to renew the prequalification or may revoke a prequalification previously approved, all in accordance with the same standards and criteria used for considering an original application for prequalification. The department shall give written notice of any such action to the contractor.

**NEW SECTION.** Sec. 7. If the department finds, after the opening of bids, that facts exist that would disqualify the lowest bidder, or that the lowest bidder is not competent or responsible in accordance with the standards and criteria for prequalifying contractors, the department shall reject the bid despite the prior prequalification of the bidder. No contract may be awarded to a bidder not qualified to bid on it at the time fixed for receiving bids.

**NEW SECTION.** Sec. 8. The action of the department in refusing, modifying, or revoking the prequalification of any contractor under sections 1 through 7 of this act is conclusive unless an appeal is filed with the Thurston county superior court within ten days after receiving written notice of the refusal, modification, or revocation. The appeal shall be heard summarily within twenty days after the appeal is taken and on five days notice thereof to the department. The court shall hear any such appeal on the administrative record that was before the department. The court may affirm the decision of the department, or it may reverse the decision if it determines the action of the department was arbitrary or capricious.

**NEW SECTION.** Sec. 9. The department of transportation shall not be required to make available for public inspection and copying financial information supplied by any person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for a ferry system construction or repair contract as required by sections 1 through 8 of this act.

Sec. 10. Section 31, chapter 1, Laws of 1973 as last amended by section 1, chapter 64, Laws of 1982 and RCW 42.17.310 are each amended to read as follows:

(1) The following (~~shall be~~) are 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~~) the 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, 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 pretrial 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.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by sections 1 through 8 of this act or (b) highway construction or improvement as required by RCW 47.28.070.

(2) The exemptions of this section (~~((shall be:))~~) are 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))~~) may 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.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act are each added to chapter 47.60 RCW.

NEW SECTION. Sec. 12. Section 2, chapter 166, Laws of 1977 ex. sess. and RCW 47.60.660 are each repealed.

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 March 8, 1983.

Passed the House April 17, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

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## CHAPTER 134

[Engrossed Substitute Senate Bill No. 3251]

### PORTABLE OIL-FUELED HEATERS—STANDARDS FOR SALE AND USE

AN ACT Relating to standards for portable oil heaters; adding a new subchapter to chapter 19.27 RCW; creating a new section; and prescribing penalties.

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

**NEW SECTION.** Sec. 1. It is hereby declared that modern, efficient, safety-tested portable oil-fueled heaters may be offered for sale, sold, and used in this state. However, fire hazards and other dangers to the health, safety, and welfare of the inhabitants of this state may exist absent legislation to provide reasonable assurances that portable oil-fueled heaters offered for sale to, sold to, and used by the inhabitants of this state are modern, efficient, and safety-tested. It is the intent of the legislature to set forth standards for the sale and use of approved portable oil-fueled heaters.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 6 of this act.

(1) "Portable oil-fueled heater" means any nonflue-connected, self-contained, self-supporting, oil-fueled, heating appliance equipped with an integral reservoir, designed to be carried from one location to another.

(2) "Oil" means any liquid fuel with a flash point of greater than one hundred degrees Fahrenheit, including but not limited to kerosene.

(3) "Listed" means any portable oil-fueled heater which has been evaluated in accordance with the Underwriters Laboratories, Inc. standard for portable oil-fueled heaters or an equivalent standard and with respect to reasonably foreseeable hazards to life and property by a nationally recognized testing or inspection agency, such as Underwriters Laboratories, Inc., and which has been authorized as being reasonably safe for its specific purpose and shown in a list published by such agency and/or bears the mark, name, and/or symbol of such agency as indication that it has been so authorized. Such evaluation shall include but not be limited to evaluation of the requirements hereinafter set forth.

(4) "Approved" means any listed portable oil-fueled heater which is deemed approved if it satisfies the requirements set forth herein or adopted

under sections 2 through 6 of this act and if the supplier certifies to the authority having jurisdiction over the sale and use of the heater that it is listed and in compliance with sections 2 through 6 of this act.

(5) "Structure" means any building or completed construction of any kind included in state building code groups M, R-1, R-3, B-4 and B-2 occupancies, except sleeping rooms and bathrooms: PROVIDED, HOWEVER, That in B-2 occupancies, approved portable oil-fueled heaters shall only be used under permit of the fire chief.

(6) "Supplier" means any party offering to sell to retailers or to the general public approved portable oil-fueled heaters.

**NEW SECTION.** Sec. 3. Notwithstanding any other section of the state building code, chapter 19.27 RCW, or any other code adopted by reference in chapter 19.27 RCW, approved portable oil-fueled heaters may be offered for sale, sold, and used as a supplemental heat source in structures in the state. Portable oil-fueled heaters which are not approved may not be offered for sale, sold, or used in this state. Any approved portable oil-fueled heater may be offered for sale, sold, and used in locations other than structures unless specifically prohibited by laws of this state.

**NEW SECTION.** Sec. 4. Approved portable oil-fueled heaters must adhere to the following requirements:

(1) Labeling must be affixed to the heater to caution and inform the user concerning:

(a) The necessity for an adequate source of ventilation when the heater is operating;

(b) The use of suitable fuel;

(c) The proper manner of refueling;

(d) The proper placement and handling of the heater when in operation; and

(e) The proper procedures for lighting, flame regulation, and extinguishing the heater.

(2) Packaging must include instructions that will inform the purchaser of proper maintenance and operation.

(3) Approved portable oil-fueled heaters must be constructed with a low center of gravity and minimum tipping angle of thirty-three degrees from the vertical with an empty reservoir.

(4) Approved portable oil-fueled heaters must have an automatic safety shut-off device or inherent design feature which eliminates fire hazards in the event of tipover and must otherwise conform with the standards set forth in National Fire Protection Association (NFPA) No. 31.

(5) Approved portable oil-fueled heaters must not produce carbon monoxide at rates creating a hazard when operated as intended and instructed.

**NEW SECTION.** Sec. 5. The state fire marshal is the only authority having jurisdiction over the approval of portable oil-fueled heaters. The sale

and use of portable oil-fueled heaters is governed exclusively by sections 2 through 6 of this act: PROVIDED, That cities and counties may adopt local standards as provided in RCW 19.27.040.

NEW SECTION. Sec. 6. The penalty for failure to comply with sections 2 through 6 of this act is a misdemeanor.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act shall be added to chapter 19.27 RCW and codified with the subchapter heading of Portable Oil-Fueled Heater Standards.

Passed the Senate March 14, 1983.

Passed the House April 18, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 135

[Engrossed Senate Bill No. 3252]

### AIRCRAFT DEALER LICENSING

AN ACT Relating to aircraft dealers; amending section 2, chapter 150, Laws of 1955 and RCW 14.20.020; amending section 7, chapter 150, Laws of 1955 and RCW 14.20.070; and amending section 9, chapter 150, Laws of 1955 and RCW 14.20.090.

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

Sec. 1. Section 2, chapter 150, Laws of 1955 and RCW 14.20.020 are each amended to read as follows:

(1) It is unlawful for a person to act as an aircraft dealer without a currently valid aircraft dealer's license issued under this chapter.

(2) Any person (~~desiring to apply~~) applying for an aircraft dealer's license shall do so at the office of the director on a form provided for that purpose by (~~him~~) the director.

Sec. 2. Section 7, chapter 150, Laws of 1955 and RCW 14.20.070 are each amended to read as follows:

Before issuing an aircraft dealer license, the director shall require the applicant to file with (~~said~~) the director a surety bond in the amount of (~~four~~) twenty-five thousand dollars running to the state, and executed by a surety company authorized to do business in the state. (~~Such~~) The bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter, RCW (~~14.04.250~~) 47.68.250 and 82.48.100. Any person who (~~shall have~~) has suffered any loss or damage by reason of any act by a dealer which constitutes ground for refusal, suspension, or revocation of license under RCW 14.20.090 (~~shall have an~~) has a right of action against

((such)) the aircraft dealer and the surety upon ((such)) the bond. Successive recoveries against ((said)) the bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond.

Sec. 3. Section 9, chapter 150, Laws of 1955 and RCW 14.20.090 are each amended to read as follows:

The director shall refuse to issue an aircraft dealer's license or shall suspend or revoke an aircraft dealer's license whenever he has reasonable grounds to believe that ((such)) the dealer has:

(1) Forged or altered any federal certificate, permit, rating, or license, relating to ownership and airworthiness of an aircraft;

(2) Sold or disposed of an aircraft which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(3) Wilfully misrepresented any material fact in the application for an aircraft dealer's license, aircraft dealer's certificate, or registration certificate;

(4) Wilfully withheld or caused to be withheld from a purchaser of an aircraft any document referred to in subsection (1) ((hereof)) of this section if applicable, or an affidavit to the effect that there are no liens, mortgages, or encumbrances of any type on the aircraft other than noted thereon, if ((such)) the document or affidavit has been requested by the purchaser;

(5) Suffered or permitted the cancellation of his bond or the exhaustion of the penalty thereof;

(6) Used an aircraft dealer's certificate for any purpose other than those permitted by this chapter(~~(, RCW 14.04.250))~~ and by RCW 47.68.250 and 82.48.100;

(7) Been adjudged guilty of a crime that directly relates to the business of an aircraft dealer and the time elapsed since the conviction is less than ten years, or had a judgment entered against the dealer within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purpose of this section, the term "adjudged guilty" means, 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 the sentence is deferred or the penalty is suspended.

Passed the Senate March 10, 1983.

Passed the House April 17, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 136

[Substitute Senate Bill No. 3742]

## ABSENTEE VOTES—PRECINCT COMMITTEEPERSONS

AN ACT Relating to absentee voting; and amending section 29.36.075, chapter 9, Laws of 1965 and RCW 29.36.075.

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

Sec. 1. Section 29.36.075, chapter 9, Laws of 1965 and RCW 29.36.075 are each amended to read as follows:

Canvassing boards of any primary or election, including a state primary or state general election, shall not tabulate or record votes cast by absentee ballots on any uncontested office except write-in votes for the office of precinct committeepersons. Write-in votes for uncontested precinct committeepersons' races shall be canvassed and included with the official vote count.

Each voter casting an absentee ballot not counted as provided in this section, nevertheless, shall be credited with voting on his permanent voting history record. Further, such uncounted absentee ballots shall be retained for the same length of time and in the same manner as paper ballots cast in person as provided by RCW 29.54.070.

Passed the Senate March 26, 1983.

Passed the House April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 137

[Substitute Senate Bill No. 4201]

## USED AUTOMOTIVE OIL RECYCLING

AN ACT Relating to oil; and adding a new chapter to Title 19 RCW.

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

NEW SECTION. Sec. 1. The legislature recognizes that millions of gallons of used oil are generated each year in this state and that its improper disposal has an adverse effect upon the economy and the environment. Improper disposal of used oil creates leaching problems within landfills, is a significant source of water pollution, has a detrimental impact on the fisheries industry, and contributes toward the overall shortage of energy resources. In light of these harmful consequences and the ease with which used oil can be recycled, the legislature declares that it is the policy of this state to collect and recycle used oil. This recycling will also create a number of new jobs within the state.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Used oil" means automotive oil which through use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or the loss of original properties.

(2) "Recycle" means to prepare used oil for reuse as a petroleum product by refining, rerefining, reclaiming, reprocessing, or other means or to use used oil as a substitute for a petroleum product made from new oil, provided that the preparation or use is operationally safe, environmentally sound, and complies with all laws and rules.

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

(4) "Director" means the director of the department of ecology.

(5) "Person" means an individual, private or public corporation, partnership, cooperative, association, estate, municipality, political subdivision, or governmental agency or instrumentality.

NEW SECTION. Sec. 3. The director shall conduct a public education program to inform the public of the needs for and benefits of collecting and recycling used oil in order to conserve resources and preserve the environment. As part of this program, the director shall by June 30, 1984:

(1) Adopt rules requiring sellers of more than one hundred gallons of automotive oil annually in containers for use off the premises to post and maintain at or near the point of sale durable and legible signs informing the public of the importance of proper collection and disposal of used oil and how and where used oil may be properly disposed of, including locations and hours of operation of conveniently located collection facilities;

(2) Establish, maintain, and publicize a used oil information center that will explain local, state, and federal laws and rules governing used oil and will inform holders of quantities of used oil on how and where used oil may be properly disposed of;

(3) Establish and maintain a state-wide toll-free telephone number to inform callers of their closest recycling station; and

(4) Encourage the establishment of voluntary used oil collection and recycling programs and provide technical assistance to persons organizing such programs.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall constitute a new chapter in Title 19 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 March 26, 1983.

Passed the House April 18, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 138

[Substitute House Bill No. 95]

## MARINE EXPLORATION PERMITS—CIVIL AND CRIMINAL VIOLATIONS

AN ACT Relating to marine waters; amending section 22, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.220; adding new sections to chapter 90.58 RCW; and prescribing penalties.

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

NEW SECTION. Sec. 1. There is added to chapter 90.58 RCW a new section to read as follows:

(1) Within this section the following definitions apply:

(a) "Exploration activity" means reconnaissance or survey work related to gathering information about geologic features and formations underlying or adjacent to marine waters;

(b) "Marine waters" include the waters of Puget Sound north to the Canadian border, the waters of the Strait of Juan de Fuca, the waters between the western boundary of the state and the ordinary high water mark, and related bays and estuaries;

(c) "Vessel" includes ships, boats, barges, or any other floating craft.

(2) A person desiring to perform oil or natural gas exploration activities by vessel located on or within marine waters of the state shall first obtain a permit from the department of ecology. The department may approve an application for a permit only if it determines that the proposed activity will not:

(a) Interfere materially with the normal public uses of the marine waters of the state;

(b) Interfere with activities authorized by a permit issued under RCW 90.58.140(2);

(c) Injure the marine biota, beds, or tidelands of the waters;

(d) Violate water quality standards established by the department; or

(e) Create a public nuisance.

(3) Decisions on an application under subsection (2) of this section are subject to review only by the pollution control hearings board under chapter 43.21B RCW.

(4) This section does not apply to activities conducted by an agency of the United States or the state of Washington.

(5) This section does not lessen, reduce, or modify RCW 90.58.160.

(6) The department may adopt rules necessary to implement this section.

(7) The attorney general shall enforce this section.

NEW SECTION. Sec. 2. There is added to chapter 90.58 RCW a new section to read as follows:

(1) A person who violates section 1 of this act, or any rule adopted thereunder, is subject to a penalty in an amount of up to five thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty provided for in this section.

(2) The penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the director or the director's representative describing such violation with reasonable particularity. The director or the director's representative may, upon written application therefor received within fifteen days after notice imposing any penalty is received by the person incurring the penalty, and when deemed to carry out the purposes of this chapter, remit or mitigate any penalty provided for in this section upon such terms as he or she deems proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he or she may deem proper.

(3) Any person incurring any penalty under this section may appeal the penalty to the hearings board as provided for in chapter 43.21B RCW. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the director or the director's representative setting forth the disposition of the application. Any penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred under this section is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary



civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

Sec. 3. Section 22, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.220 are each amended to read as follows:

In addition to incurring civil liability under RCW 90.58.210, any person found to have wilfully engaged in activities on the shorelines of the state in violation of the provisions of this chapter or any of the master programs, rules, or regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment: PROVIDED, That the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred nor more than ten thousand dollars: PROVIDED FURTHER, That fines for violations of section 1 of this 1983 act, or any rule adopted thereunder, shall be determined under section 2 of this 1983 act.

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 February 28, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 139

[Engrossed House Bill No. 180]

### SNOWMOBILE ADVISORY COMMITTEE—SUNSET TERMINATION EXTENDED

AN ACT Relating to the snowmobile advisory committee; and amending section 2, chapter 182, Laws of 1979 ex. sess. and RCW 46.10.220.

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

Sec. 1. Section 2, chapter 182, Laws of 1979 ex. sess. and RCW 46.10.220 are each amended to read as follows:

(1) There is created in the Washington state parks and recreation commission a snowmobile advisory committee to advise the commission regarding the administration of this chapter.

(2) The purpose of the committee is to assist and advise the commission in the planned development of snowmobile facilities and programs.

(3) The committee shall consist of:

(a) Six interested snowmobilers, appointed by the commission; each such member shall be a resident of one of the six geographical areas throughout this state where snowmobile activity occurs, as defined by the commission;

(b) Three representatives of the nonsnowmobiling public, appointed by the commission; and

(c) One representative of the department of natural resources, one representative of the department of game, and one representative of the Washington state association of counties; each of whom shall be appointed by the director of such department or association.

(4) Terms of the members appointed under (3)(a) and (b) of this section shall commence on July 1<sup>st</sup> of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term: PROVIDED, That the first such members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(5) Members of the committee appointed under (3)(a) and (b) of this section shall be reimbursed for travel expenses as provided in RCW 43.03-.050 and 43.03.060 as now or hereafter amended. Expenditures under this subsection shall be from the snowmobile account created by RCW 46.10.075.

(6) The committee may meet at times and places fixed by the committee. The committee shall meet not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. One of the meetings shall be coincident with a meeting of the commission at which the committee shall provide a report to the commission. The chairman of the committee shall be chosen under rules adopted by the committee from those members appointed under (3)(a) and (b) of this section.

(7) The Washington state parks and recreation commission shall serve as recording secretary to the committee. A representative of the department of licensing shall serve as an ex officio member of the committee and shall be notified of all meetings of the committee. The recording secretary and the ex officio member shall be nonvoting members.

(8) The committee shall adopt rules to govern its proceedings.

(9) The snowmobile advisory committee of the Washington state parks and recreation commission and its powers and duties shall terminate on June 30, (~~(1983)~~) 1989, and shall be subject to all of the processes provided

in RCW 43.131.010 through 43.131.110 as now existing or hereafter amended.

Passed the House March 14, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

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## CHAPTER 140

[House Bill No. 183]

### EMINENT DOMAIN—VALUATION DATE—CASES HAVE COURT PRIORITY

AN ACT Relating to eminent domain; amending section 2, chapter 177, Laws of 1951 as amended by section 1, chapter 155, Laws of 1955 and RCW 8.04.092; and adding a new section to chapter 47.12 RCW.

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

Sec. 1. Section 2, chapter 177, Laws of 1951 as amended by section 1, chapter 155, Laws of 1955 and RCW 8.04.092 are each amended to read as follows:

The amount paid into court shall constitute just compensation paid for the taking of such property: PROVIDED, That respondents may, in the same action, request a trial for the purpose of assessing the amount of compensation to be made and the amount of damages arising from the taking. ~~((In the event that))~~ At the trial, the date of valuation of the property shall be the date of entry of the order granting to the state immediate possession and use of the property. If, pursuant to such hearing, the verdict of the jury, unless a jury ~~((be))~~ is waived by all parties, or decision of the court, ~~((shall))~~ awards respondents an amount in excess of the tender, the court shall order ~~((such))~~ the excess paid to respondents with interest thereon from the time of the entry of the order of immediate possession, and shall charge the costs of the action to the state. ~~((In the event that))~~ If, pursuant to ~~((such))~~ the trial, the verdict of the jury or decision of the court ~~((shall))~~ awards respondents an amount equal to the tender, the costs of the action shall be charged to the state, and if ~~((such))~~ the verdict or decision ~~((shall))~~ awards an amount less than the amount of the tender, the state shall be taxed for costs and the state, if respondents have accepted the tender and withdrawn the amount paid into court, shall be entitled to a judgment for the difference; otherwise, the excess on deposit shall be returned to the state.

NEW SECTION. Sec. 2. There is added to chapter 47.12 RCW a new section to read as follows:

Court proceedings necessary to acquire property or property rights for highway purposes pursuant to RCW 47.12.010 take precedence over all other causes not involving the public interest in all courts in cases where the

state is unable to secure an order granting it immediate possession and use of the property or property rights pursuant to RCW 8.04.090 through 8.04.094.

Passed the House February 7, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 141

[Engrossed House Bill No. 208]

### STATE PURCHASING—EMERGENCIES—CONTRACT LIMITS

AN ACT Relating to state purchasing; and amending section 43.19.1906, chapter 8, Laws of 1965 as last amended by section 2, chapter 103, Laws of 1980 and RCW 43.19.1906.

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

Sec. 1. Section 43.19.1906, chapter 8, Laws of 1965 as last amended by section 2, chapter 103, Laws of 1980 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))~~ applies 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))~~ is not ~~((be))~~ necessary for:

(1) Emergency purchases if ~~((such))~~ the 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))~~ four 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))~~ four 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))~~ four 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))~~ four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of ~~((four))~~ eight hundred dollars ~~((by unanimous vote by all))~~ with the approval of at least ten of the members of the state supply management advisory board, if warranted by increases in purchasing costs due to inflationary trends;

(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;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935 as now or hereafter amended;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption ~~((shall be))~~ is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients; and

(6) Purchases by universities for hospital operation made by participating in contracts for materials, supplies, and equipment entered into by cooperative hospital service organizations as defined in section 501(e) of the Internal Revenue Code, or its successor.

Passed the House March 8, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

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## CHAPTER 142

[Engrossed House Bill No. 259]

### SCRAP PROCESSORS—HULK HAULERS—RECORD KEEPING— REGULATIONS

AN ACT Relating to hulk haulers, vehicle repairmen, rebuilders, restorers, wreckers, and scrap processors; amending section 46.52.090, chapter 12, Laws of 1961 as amended by section 59, chapter 32, Laws of 1967 and RCW 46.52.090; amending section 1, chapter 110, Laws of 1971 ex. sess. as amended by section 190, chapter 158, Laws of 1979 and

RCW 46.79.010; amending section 2, chapter 110, Laws of 1971 ex. sess. as amended by section 191, chapter 158, Laws of 1979 and RCW 46.79.020; amending section 5, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.050; amending section 7, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.070; amending section 9, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.090; amending section 11, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.110; amending section 46.80.150, chapter 12, Laws of 1961 as last amended by section 10, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.150; adding a new section to chapter 46.79 RCW; defining crimes; and prescribing penalties.

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

Sec. 1. Section 46.52.090, chapter 12, Laws of 1961 as amended by section 59, chapter 32, Laws of 1967 and RCW 46.52.090 are each amended to read as follows:

Any person, firm, corporation, or association engaged in the business of repairs of any kind to ((motor)) vehicles or any person, firm, corporation, or association which may at any time engage in ((the)) any kind of major repair ~~((of any motor vehicle or other vehicle owned by any other person; firm, corporation, or association, shall be and is hereby required to maintain a complete record of any and all vehicles repaired, the nature of the repair to which indicates the damage or injury could have been caused by collision with any person or property. Such report shall be made out and kept posted currently in duplicate, showing the name of the person for whom such repair is done, the date of such repair, the motor number of the vehicle if it be a motor vehicle, or the serial number of the vehicle if it be a trailer or semitrailer, the license number of the vehicle, a brief statement of the nature of such repair and the cost thereof. Such report should be certified by the person or a duly authorized representative of the firm, corporation or association performing such repairs, such certification stating that the foregoing report is a true and accurate report of all such repairs, performed during the period covered by said report and in any wise indicating that the injury or damage to such vehicle could have been caused by collision with any person or property. Any person, firm, corporation or association failing to submit such report shall be guilty of a gross misdemeanor and any person certifying to any such report containing fraudulent or untrue information or omitting any required information in any material respect shall be guilty of forgery. Such report shall be submitted on Monday of each week for the preceding calendar week, to the local authority to whom accident reports are required to be made. When such local authority shall have checked such reports for their own informational purposes, such reports shall be forwarded to the chief of the Washington state patrol, and such reports shall be forwarded within a period of ten days from the date of submission to such local authority. The person, firm, corporation or association performing such repairs shall retain the duplicate copy of such report in their permanent files and the same shall be open to inspection during business hours by any police officer or any person authorized by the chief of the Washington state patrol. Such report shall also be made by persons, firms or corporations providing~~

~~storage or furnishing appraisals and shall contain the same record as required above of any such vehicles brought in for appraisal or storage. Forms for such records shall be prescribed by the chief of the Washington state patrol and may be obtained from the local authority to whom accident reports are made.~~

It shall be unlawful for any person to destroy or conceal any evidence of damage to a vehicle indicating that such damage could be the result of collision with any person or property without adequate record thereof and any person so doing shall be guilty of a gross misdemeanor), restoration, or substantial alteration to a vehicle required to be licensed or registered under this title shall maintain verifiable records regarding the source of used major component parts used in such repairs, restoration, or alteration. Satisfactory records include but are not limited to personal identification of the seller if such parts were acquired from other than a motor vehicle wrecker licensed under chapter 46.80 RCW, signed work orders, and bills of sale signed by the seller whose identity and address has been verified describing parts acquired, and the make, model, and vehicle identification number of a vehicle from which the following parts are removed: (1) Engines and short blocks, (2) frames, (3) transmissions and transfer cases, (4) cabs, (5) doors, (6) front or rear differentials, (7) front or rear clips, (8) quarter panels or fenders, (9) bumpers, (10) truck beds or boxes, (11) seats, and (12) hoods. Such records shall be kept for a period of four years and shall be made available for inspection by a law enforcement officer during ordinary business hours.

The acquisition of a part without a substantiating bill of sale or invoice from the parts supplier or failure to comply with any rules adopted under this section is a gross misdemeanor. Failure to obtain the vehicle identification number for those parts requiring that it be obtained is a gross misdemeanor. Failure to keep records for four years or to make such records available during normal business hours to a law enforcement officer is a gross misdemeanor.

The chief of the Washington state patrol shall adopt rules for the purpose of regulating record-keeping and parts acquisition by vehicle repairers, restorers, rebuilders, or those who perform substantial vehicle alterations. The provisions of this section do not apply to major repair, restoration, or alteration of a vehicle thirty years of age or older.

Sec. 2. Section 1, chapter 110, Laws of 1971 ex. sess. as amended by section 190, chapter 158, Laws of 1979 and RCW 46.79.010 are each amended to read as follows:

((As used in)) The definitions set forth in this section apply throughout this chapter ((and)) unless the context indicates otherwise((; words and phrases shall mean:)).

(1) "Abandoned vehicle" means any vehicle left within the limits of any highway or upon the property of another without the consent of the owner

of such property for a period of twenty-four hours(;) or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(2) "Abandoned automobile hulk" means the abandoned remnant, major component part, or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of parts ((of)) or mechanisms and the application of a substantial amount of labor to effect repairs.

(3) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.

(4) "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

(5) "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained ((and who)). A hulk hauler may not sell second-hand motor vehicle parts to anyone other than a licensed vehicle wrecker or scrap processor, except for those parts specifically enumerated in RCW 46.79.020(2), as now or hereafter amended, which may be sold to a licensed motor vehicle wrecker or disposed of at a public facility for waste disposal.

(6) "Director" means the director of licensing.

(7) "Major component parts" include engines and short blocks, frames, transmissions or transfer cases, cabs, doors, front or rear differentials, front or rear clips, quarter panels or fenders, bumpers, truck beds or boxes, seats, and hoods.

Sec. 3. Section 2, chapter 110, Laws of 1971 ex. sess. as amended by section 191, chapter 158, Laws of 1979 and RCW 46.79.020 are each amended to read as follows:

Any hulk hauler or scrap processor licensed under the provisions of this chapter may:

(1) Notwithstanding any other provision of law, transport any flattened or junk abandoned automobile hulk whether such hulk is from in state or out of state, to a scrap processor upon obtaining the certificate of title ((and/or registration)) and/or any release of interest from the owner or custodian of such hulk. The scrap processor shall forward such document(s) to the department, together with a monthly report of all vehicles acquired from other than a licensed automobile wrecker, and no further identification shall be necessary.

(2) ~~((Transport any vehicle upon obtaining ownership thereof as otherwise required by law.))~~ Prepare vehicles and vehicle salvage for transportation and delivery to a scrap processor or vehicle wrecker only by removing the following vehicle parts:

(a) Gas tanks;



(b) Vehicle seats containing springs;

(c) Tires;

(d) Wheels;

(e) Scrap batteries;

(f) Scrap radiators.

Such parts may not be removed if they will be accepted by a scrap processor or wrecker. Such parts may be removed only at a properly zoned location, and all preparation activity, vehicles, and vehicle parts shall be obscured from public view. Storage is limited to two vehicles or the parts thereof which are authorized by this subsection, and any such storage may take place only at a properly zoned location. Any vehicle parts removed under the authority of this subsection shall be lawfully disposed of at or through a public facility or service for waste disposal or by sale to a licensed motor vehicle wrecker.

Sec. 4. Section 5, chapter 110, Laws of 1971 ex. sess. and RCW 46.79-.050 are each amended to read as follows:

A license issued ((on this application shall remain in force until suspended or revoked and may be renewed annually upon reapplication according to section 2 of this act and upon)) pursuant to this chapter expires on June 30th of each year and may be renewed by filing a proper application and payment of a fee of ten dollars.

Whenever a hulk hauler or scrap processor ((shall)) ceases to do business ((as such)) or ((his)) the license has been suspended or revoked, ((he)) the license shall immediately ((surrender such license)) be surrendered to the director.

Sec. 5. Section 7, chapter 110, Laws of 1971 ex. sess. and RCW 46.79-.070 are each amended to read as follows:

((If for a good and sufficient cause the director has reason to believe that the application for issuance or renewal of a license as provided in this chapter should be denied, he may refuse to issue such license and shall notify the applicant to that effect.)) The director may by order pursuant to the provisions of chapter 34.04 RCW, deny, suspend, or revoke ((a hulk hauler's or scrap processor's license whenever he shall have reason to believe that such hulk hauler has)) the license of any hulk hauler or scrap processor or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed five hundred dollars per violation, whenever the director finds that the applicant or licensee:

(1) ((Wilfully misrepresented the physical condition of any motor vehicle transported)) Removed a vehicle or vehicle major component part from property without obtaining both the written permission of the property owner and documentation approved by the department for acquiring vehicles, abandoned vehicle hulks, or major component parts thereof;

(2) ((Sold or)) Acquired, disposed of, or possessed a ((motor)) vehicle or ((trailer or any)) major component part thereof when he ((knows)) or

she knew that such vehicle or part (~~(has)~~) had been stolen(;) or appropriated without the consent of the owner;

(3) Sold, bought, received, concealed, had in his or her possession, or disposed of a vehicle or major component part thereof having a missing, defaced, altered, or covered manufacturer's identification number, unless approved by a law enforcement officer;

(4) Committed forgery ((on a certificate of title, registration, or document releasing any interest in a vehicle)) or made any material misrepresentation on any document relating to the acquisition, disposition, registration, titling, or licensing of a vehicle pursuant to Title 46 RCW;

((4)) (5) 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)) the acquisition or disposition of a vehicle or any major component part thereof;

((5)) (6) Failed to comply with any of the provisions of this chapter or other applicable law relating to registration and certificates of title of vehicles and any other document releasing any interest in a vehicle;

((Notice of the intent of the director to refuse, suspend or cancel a license shall be given in writing, by registered mail, to the holder of or applicant for such license, and shall designate a time and place for the hearing before the director, which shall be not less than ten days from the date of said notice. Should the director, after such hearing, decide that the applicant is not entitled to a license or that an existing license should be revoked; the applicant or holder may, within thirty days from the date of the decision of the director, appeal to the superior court of Thurston county for a review of such decision, filing a notice of such appeal with the clerk of said superior court and a copy of said notice in the office of the director. Said court shall set the matter down for hearing with the least possible delay.))

(7) Been authorized to remove a particular vehicle or vehicles and failed to take all remnants and debris from those vehicles from that area unless requested not to do so by the person authorizing the removal;

(8) Removed parts from a vehicle at other than an approved location or removed or sold parts or vehicles beyond the scope authorized by this chapter or any rule adopted hereunder;

(9) Been adjudged guilty of a crime which directly relates to the business of a hulk hauler or scrap processor and the time elapsed since the adjudication is less than five years. For the purposes of this section adjudged guilty means, in addition to a final conviction in either a federal, 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; or

(10) Been 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.

Sec. 6. Section 9, chapter 110, Laws of 1971 ex. sess. and RCW 46.79-.090 are each amended to read as follows:

It shall be the duty of the chiefs of police, or the Washington state patrol, 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 hulk hauler's or scrap processor's premises and records provided for in this chapter, and furnish a certificate of inspection to the director in such manner as may be determined by the director: PROVIDED, That the above inspection in any instance can be made by an authorized representative of the department.

The department is hereby authorized to enlist the services and cooperation of any law enforcement officer or state agency of another state to inspect the premises of any hulk hauler or scrap processor whose established place of business is in that other state but who is licensed to transport automobile hulks within Washington state.

Sec. 7. Section 11, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.110 are each amended to read as follows:

Nothing contained in this chapter shall be construed to prohibit any individual not engaged in business as a hulk hauler or scrap processor from towing any vehicle owned by him or her to any (~~((junk yard))~~) motor vehicle wrecker or scrap processor.

NEW SECTION. Sec. 8. There is added to chapter 46.79 RCW a new section to read as follows:

Any hulk hauler or scrap processor who engages in the business of hulk hauling or scrap processing without holding a current license issued by the department for authorization to do so, or, holding such a license, exceeds the authority granted by that license, is guilty of a gross misdemeanor.

Sec. 9. Section 46.80.150, chapter 12, Laws of 1961 as last amended by section 10, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.150 are each amended to read as follows:

It shall be the duty of the chiefs of police, or the Washington state patrol, 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.

Passed the House February 25, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

CHAPTER 143

[Substitute House Bill No. 266]

VOTING DEVICES DISTRICTS OR PRECINCTS—MAY NOT SHARE DEVICES WITH OTHER DISTRICTS OR PRECINCTS

AN ACT Relating to elections; and adding a new section to chapter 29.34 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 29.34 RCW a new section to read as follows:

No voting device may contain the names of candidates for the offices of United States representative, state senator, state representative, county council, or county commissioner in more than one district or the names of candidates for the office of precinct committeeman in more than one precinct. In all even-year state general elections, voting devices shall be grouped by precinct and physically separated from the voting devices containing ballot pages for other precincts. For all other primaries and elections, in each polling place the voting devices containing ballot pages for candidates from each congressional, legislative, or county council or commissioner district shall be grouped together and physically separated from those devices containing ballot pages for other districts. Each voter shall be directed by the precinct election officers to the correct group of voting devices and an explanation to the voters that separate devices are being used for specific precincts shall be prominently displayed within the polling place.

Passed the House March 15, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

CHAPTER 144

[Engrossed House Bill No. 304]

STATE PATROL—APPOINTMENT OF SPECIAL DEPUTIES

AN ACT Relating to the Washington state patrol; and amending section 43.43.020, chapter 8, Laws of 1965 as last amended by section 4, chapter 338, Laws of 1981 and RCW 43.43.020.

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

Sec. 1. Section 43.43.020, chapter 8, Laws of 1965 as last amended by section 4, chapter 338, Laws of 1981 and RCW 43.43.020 are each amended to read as follows:

The governor, with the advice and consent of the senate, shall appoint the chief of the Washington state patrol, determine his compensation, and may remove him at will.

The chief shall appoint a sufficient number of competent persons to act as Washington state patrol officers, may remove them for cause, as provided in this chapter, and shall make promotional appointments, determine their compensation, and define their rank and duties, as hereinafter provided.

The chief may appoint employees of the Washington state patrol to serve as special deputies, with such restricted police authority as the chief shall designate as being necessary and consistent with their assignment to duty. Such appointment and conferral of authority shall not qualify said employees for membership in the Washington state patrol retirement system, nor shall it grant tenure of office as a regular officer of the Washington state patrol.

The chief may personally appoint, with the consent of the state treasurer, employees of the office of the state treasurer who are qualified under the standards of the criminal justice training commission, or who have comparable training and experience, to serve as special deputies. The law enforcement powers of any special deputies appointed in the office of the state treasurer shall be designated by the chief and shall be restricted to those powers necessary to provide for state-wide security of the holdings or property of or under the custody of the office of the state treasurer. These appointments may be revoked by the chief at any time and shall be revoked upon the written request of the state treasurer or by operation of law upon termination of the special deputy's employment with the office of the state treasurer or thirty days after the chief who made the appointment leaves office. The chief shall be civilly immune for the acts of such special deputies. Such appointment and conferral of authority shall not qualify such employees for membership in the Washington state patrol retirement system, nor shall it grant tenure of office as a regular officer of the Washington state patrol.

Passed the House March 2, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

CHAPTER 145

[Engrossed House Bill No. 270]

DEVELOPMENTAL DISABILITY—HABILITATIVE SERVICES

AN ACT Relating to developmentally disabled persons; and adding a new chapter to Title 71 RCW.

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

NEW SECTION. Sec. 1. The legislature recognizes the capacity of all citizens of the state, including those with developmental disabilities, to be personally and socially productive. The legislature further recognizes the state's obligation to provide aid to developmentally disabled citizens through a uniform, coordinated system of services to enable them to receive a greater measure of independence and fulfillment and more fully enjoy their rights of citizenship.

NEW SECTION. Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

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

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

(3) "Developmental disability" means a disability as defined in RCW 71.20.016.

NEW SECTION. Sec. 3. To the extent that state, federal, or other funds designated for services to developmentally disabled persons are available, the department shall provide every eligible developmentally disabled person with adequate habilitative services suited to the person's needs regardless of age or degree of developmental disability. These habilitative services shall provide developmentally disabled persons with the opportunity for integration with nonhandicapped and less handicapped persons to the greatest extent possible. No later than ninety days after the effective date of this act, the department, through the division of developmental disabilities, shall establish minimum standards that ensure habilitative services for every eligible developmentally disabled person. The department shall involve consumers, advocates, service providers, and appropriate professionals and local government agencies in the development of the standards.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall constitute a new chapter in Title 71 RCW.

Passed the House March 30, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 146

[House Bill No. 313]

FIRE PROTECTION CONTRACTS—RESPONSIBILITY TRANSFERRED TO  
PLANNING AND COMMUNITY AFFAIRS AGENCY

AN ACT Relating to the transfer of responsibility for state fire protection contracts from the department of general administration to the planning and community affairs agency; amending section 1, chapter 102, Laws of 1979 ex. sess. and RCW 35.21.775; and creating a new section.

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

Sec. 1. Section 1, chapter 102, Laws of 1979 ex. sess. and RCW 35.21.775 are each amended to read as follows:

Whenever a city or town has located within its territorial limits buildings or equipment, except those leased to a nontax-exempt person or organization, owned by the state or an agency or institution of the state, the state or agency or institution shall contract with the city or town for fire protection services necessary for the protection and safety of personnel and property pursuant to chapter 39.34 RCW, as now or hereafter amended. Nothing in this section shall be construed to require the state, or any state agency or institution, to contract for services which are performed by the staff and equipment of such an entity or by a fire protection district pursuant to RCW 52.36.020. The director of (~~general administration~~) planning and community affairs shall present in the budget submitted to the governor for the (~~(1981-83)~~) 1983-85 biennium, and each biennium thereafter, an amount sufficient to fund any fire protection service contracts negotiated under the provisions of this section.

NEW SECTION. Sec. 2. The department of general administration shall transfer all unexpended funds appropriated to it for the purpose of RCW 35.21.775 and all contracts and records pertaining to the program under RCW 35.21.775 to the planning and community affairs agency, or its successor, on the effective date of this act.

Passed the House March 3, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 147

[Substitute House Bill No. 328]

## JUDGMENTS—INTEREST RATES

AN ACT Relating to interest on judgments; amending section 4, chapter 136, Laws of 1895 as last amended by section 1, chapter 198, Laws of 1982 and RCW 4.56.110; amending section 1, chapter 26, Laws of 1975 and RCW 4.56.115; and creating a new section.

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

Sec. 1. Section 4, chapter 136, Laws of 1895 as last amended by section 1, chapter 198, Laws of 1982 and RCW 4.56.110 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in ~~((such))~~ the contracts: PROVIDED, That said interest rate is set forth in the judgment.

(2) Except as provided under subsection (1) of this section, judgments shall bear interest from the date of entry at the maximum rate ~~((of twelve percent per annum from))~~ permitted under RCW 19.52.020 on the date of entry thereof: PROVIDED, That in any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

Sec. 2. Section 1, chapter 26, Laws of 1975 and RCW 4.56.115 are each amended to read as follows:

Judgments founded on the tortious conduct of the state of Washington or of the political subdivisions, municipal corporations, and quasi municipal corporations of the state, whether acting in their governmental or proprietary capacities, shall bear interest from the date of entry at the maximum rate ~~((of eight percent per annum from))~~ permitted under RCW 19.52.020 on the date of entry thereof: PROVIDED, That in any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

NEW SECTION. Sec. 3. The 1983 amendments of RCW 4.56.110 and 4.56.115 apply only to judgments entered after the effective date of this act.

Passed the House March 26, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

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## CHAPTER 148

[House Bill No. 373]

### COUNTY DRUG ABUSE ADMINISTRATIVE BOARD—FORMATION IS OPTIONAL

AN ACT Relating to counties; and amending section 9, chapter 193, Laws of 1982 and RCW 69.54.120.



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

Sec. 1. Section 9, chapter 193, Laws of 1982 and RCW 69.54.120 are each amended to read as follows:

(1) The county legislative authority (~~shall~~) may appoint a county drug abuse administrative board. Such a board may also be designated as the board for other related programs.

(2) The county drug abuse administrative board shall consist of not less than seven nor more than fifteen members. Board members shall serve three-year terms and until their successors are appointed and qualified, except that initially appointed members may serve shorter terms so that an equal number of vacancies occur each year. Members of the board shall be representative of the community and shall include, where possible, former clients, relatives of clients, and members of minority groups and other special groups of local significance. Employees of agencies providing services under RCW 69.54.040 and persons with a financial interest in such agencies shall not be appointed to the board. No more than four elected or appointed city or county officials may serve on the board at the same time. Members shall not be compensated for their duties as members of the board, but may be reimbursed for travel expenses.

(3) The county drug abuse administrative board shall:

(a) Nominate individuals for the position of county drug abuse coordinator;

(b) Conduct public hearings and other investigations to determine the needs and priorities of county citizens;

(c) Review and recommend to the county legislative authority for approval plans, budgets, and applications by the county to the department;

(d) Evaluate the performance of the drug abuse program at least annually;

(e) Advise the county legislative authority and the county coordinator on matters relating to the drug abuse programs; and

(f) Perform such other duties as the department may prescribe by rule.

Passed the House March 8, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

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## CHAPTER 149

[Substitute House Bill No. 383]

HOSPITALS—PHYSICIANS—PROFESSIONAL NEGLIGENCE—CIVIL  
ACTION—STANDARD OF CARE—ELEMENTS

AN ACT Relating to special rights of action; amending section 1, chapter 35, Laws of 1975 1st ex. sess. and RCW 4.24.290; and amending section 9, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.040.

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

Sec. 1. Section 1, chapter 35, Laws of 1975 1st ex. sess. and RCW 4.24.290 are each amended to read as follows:

In any civil action for damages based on professional negligence against a hospital which is licensed by the state of Washington or against the personnel of any such hospital, or against a member of the healing arts including, but not limited to, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, a chiropractor licensed under chapter 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a podiatrist licensed under chapter 18.22 RCW, or a nurse licensed under chapters 18.78 or 18.88 RCW, the plaintiff in order to prevail shall be required to prove by a preponderance of the evidence that the defendant or defendants failed to exercise that degree of skill, care, and learning possessed at that time by other persons in the same profession, and that as a proximate result of such failure the plaintiff suffered damages, but in no event shall the provisions of this section apply to an action based on the failure to obtain the informed consent of a patient.

Sec. 2. Section 9, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.040 are each amended to read as follows:

The following shall be necessary elements of proof that injury resulted from the failure of the health care provider to follow the accepted standard of care:

- (1) The health care provider failed to exercise that degree of care, skill, and learning expected of a reasonably prudent health care provider at that time in the profession or class to which he belongs, in the state of Washington, acting in the same or similar circumstances;
- (2) Such failure was a proximate cause of the injury complained of.

Passed the House March 31, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 150

[Substitute House Bill No. 498]

### DRIVING WHILE INTOXICATED—ALCOHOL INFORMATION SCHOOL

AN ACT Relating to driving while intoxicated; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 27, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.515; creating a new section; and prescribing penalties.

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

Sec. 1. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 27, chapter 47, Laws of 1982 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 RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not more than five hundred dollars. ~~((The person shall, in addition, be required to complete a course at an alcohol information school approved by the department of social and health services. If, after completing an alcohol evaluation at the alcohol information school, the convicted person is found to have a serious alcohol problem, the alcohol information school may recommend more intensive alcoholism treatment in a program approved by the department of social and health services. In the alternative, the court may bypass alcohol information school if the court determines that more intensive alcoholism treatment in a program approved by the department of social and health services is appropriate. Standards for approval shall be prescribed by rule under the administrative procedure act, chapter 34.04 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.))~~ Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The convicted person shall, in addition, be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services, as determined by the court. A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the convicted person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services. Standards for approval for alcohol treatment programs shall be prescribed by rule under the administrative procedure act, chapter 34.04 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished by

imprisonment for not less than seven days nor more than one year and by a fine not more than one thousand dollars. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If ~~((such person)),~~ at the time of a second or subsequent conviction, the driver 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 or deferred. The person shall, in addition, be required to complete a diagnostic evaluation ~~((at))~~ by an alcoholism ((program)) agency approved by the department of social and health services or ((other diagnostic evaluation as the court designates)) a qualified probation department approved by the department of social and health services. The report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment facility or approved drug treatment center.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) 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)) the penalty assessment ((shall be)) are in addition to and exclusive of assessments made under RCW 46.81.030 and ((shall be)) are 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)) The penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(4) 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 (3) of this section shall not be suspended, waived, modified, or deferred in any respect, and all moneys derived from ~~((such))~~ the penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (3) of this section.

(5) The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs 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. ~~((The treatment agency shall forward a copy of the completed diagnostic evaluation and treatment report to the department of licensing before the department may reinstate the person's driver's license.))~~ The department of licensing shall determine the person's eligibility for licensing based upon ~~((these))~~ the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(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. ~~((The treatment agency shall forward a copy of the completed diagnostic evaluation and treatment report to the department of licensing before the department may reinstate the person's driver's license.))~~ The department of licensing shall determine the person's eligibility for licensing based upon ~~((these))~~ the reports ~~((as))~~ provided ~~((in RCW 46.20.031))~~ by the designated alcoholism agency or probation department and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction under either such offense within a five-year period, be revoked by the department.

(6) In any case provided for in this section, where a driver's license is to be revoked or suspended, ~~((such))~~ the 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))~~ the conviction is sustained on appeal ~~((such))~~ the revocation or suspension ~~((shall))~~ takes effect as of the date that the conviction becomes effective for other purposes.

NEW SECTION. Sec. 2. A qualified probation department means a probation department for a district or municipal court that has a sufficient number of qualified alcohol assessment officers who meet the requirements of a qualified alcoholism counselor as provided by rule of the department of

social and health services, except that the required hours of supervised work experience in an alcoholism agency may be satisfied by completing an equivalent number of hours of supervised work doing alcohol assessments within a probation department.

Passed the House March 30, 1983.

Passed the Senate April 17, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 151

[Substitute House Bill No. 540]

### PUBLIC TRANSPORTATION BENEFIT AREA—TREASURER

AN ACT Relating to public transportation benefit areas; and amending section 23, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.130.

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

Sec. 1. Section 23, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.130 are each amended to read as follows:

~~((Each public transportation benefit area authority shall establish a fund to be designated as the "transportation fund", in which shall be placed all sums received by the authority from any source except the proceeds of bonds issued by the authority, and out of which shall be expended all sums disbursed by the authority unless otherwise provided in bond covenants. The county treasurer, or in the case of a multi-county public transportation benefit area, the county treasurer of the largest component county, shall be the custodian of the fund. The county auditor of such county shall keep the record of the receipts and disbursements, and shall draw and such county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the authority.))~~ The treasurer of the county in which a public transportation benefit area authority is located shall be ex officio treasurer of the authority. In the case of a multicounty public transportation benefit area the county treasurer of the largest component county, by population, shall be the treasurer of the authority. However, the authority, by resolution, and upon the approval of the county treasurer, may designate some other person having experience in financial or fiscal matters as treasurer of the authority. Such a treasurer shall possess all of the powers, responsibilities, and duties the county treasurer possesses for a public transportation benefit area authority related to investing surplus authority funds. The authority may (and if the treasurer is not a county 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 the authority, by resolution, from time to time finds will protect

the authority against loss. The premium on any such bond shall be paid by the authority.

All authority funds shall be paid to the treasurer and shall be disbursed by the treasurer only on warrants issued by the county auditor, upon orders or vouchers approved by the authority. However, the authority may, by resolution, designate some person having experience in financial or fiscal matters, other than the county auditor, as the auditor of the authority. Such an auditor shall possess all of the powers, responsibilities, and duties that the county auditor possesses for a public transportation benefit area authority related to creating and maintaining funds, issuing warrants, and maintaining a record of receipts and disbursements.

The treasurer shall establish a "transportation fund," into which shall be paid all authority funds, and the treasurer shall maintain such special accounts as may be created by the authority into which shall be placed all money as the authority may, by resolution, direct.

If the treasurer of the authority is a treasurer of the county, all authority funds shall be deposited with the county depository under the same restrictions, contracts, and security as provided for county depositories. If the treasurer of the authority is some other person, all funds shall be deposited in such bank or banks authorized to do business in this state that have qualified for insured deposits under any federal deposit insurance act as the authority, by resolution, shall designate.

An authority may provide and require a reasonable bond of any other person handling moneys or securities of the authority, but the authority shall pay the premium on the bond.

The county or counties and each city or town which is included in the authority shall contribute such sums towards the expense for maintaining and operating the public transportation system as shall be agreed upon between them.

Passed the House March 27, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

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## CHAPTER 152

[House Bill No. 925]

### UNIFORM CONFLICT OF LAWS—LIMITATION ACT

AN ACT Relating to the Uniform Conflict of Laws—Limitations act; and adding a new chapter to Title 4 RCW.

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

NEW SECTION. Sec. 1. DEFINITIONS. As used in this chapter:

(1) "Claim" means a right of action that may be asserted in a civil action or proceeding and includes a right of action created by statute.

(2) "State" means a state, commonwealth, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, or a political subdivision of any of them.

**NEW SECTION.** Sec. 2. CONFLICT OF LAWS-----LIMITATION PERIODS. (1) Except as provided by section 4 of this act, if a claim is substantively based:

(a) Upon the law of one other state, the limitation period of that state applies; or

(b) Upon the law of more than one state, the limitation period of one of those states, chosen by the law of conflict of laws of this state, applies.

(2) The limitation period of this state applies to all other claims.

**NEW SECTION.** Sec. 3. RULES APPLICABLE TO COMPUTATION OF LIMITATION PERIOD. If the statute of limitations of another state applies to the assertion of a claim in this state, the other state's relevant statutes and other rules of law governing tolling and accrual apply in computing the limitation period, but its statutes and other rules of law governing conflict of laws do not apply.

**NEW SECTION.** Sec. 4. UNFAIRNESS. If the court determines that the limitation period of another state applicable under sections 2 and 3 of this act is substantially different from the limitation period of this state and has not afforded a fair opportunity to sue upon, or imposes an unfair burden in defending against, the claim, the limitation period of this state applies.

**NEW SECTION.** Sec. 5. EXISTING AND FUTURE CLAIMS. This chapter applies to claims:

(1) Accruing after the effective date of this act; or

(2) Asserted in a civil action or proceeding more than one year after the effective date of this act, but it does not revive a claim barred before the effective date of this act.

**NEW SECTION.** Sec. 6. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

**NEW SECTION.** Sec. 7. SHORT TITLE. This chapter may be cited as the Uniform Conflict of Laws—Limitations Act.

**NEW SECTION.** Sec. 8. SEVERABILITY. 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. Section captions used in this act constitute no part of the law.



NEW SECTION. Sec. 10. Sections 1 through 7 of this act shall constitute a new chapter in Title 4 RCW.

Passed the House March 30, 1983.

Passed the Senate April 17, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

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## CHAPTER 153

[Substitute Senate Bill No. 3066]

### AQUATIC LANDS—LEASES—RENT DISTRIBUTION

AN ACT Relating to public lands; amending section 79, chapter 21, Laws of 1982 1st ex. sess. as amended by section 2, chapter 8, Laws of 1982 2nd ex. sess. and RCW 79.92.110; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 79, chapter 21, Laws of 1982 1st ex. sess. as amended by section 2, chapter 8, Laws of 1982 2nd ex. sess. and RCW 79.92.110 are each amended to read as follows:

The rents paid under leases of harbor areas and tidelands belonging to the state of Washington, where not otherwise directed to a particular account, shall be disposed of as follows:

(1) Except as otherwise provided in this section, where the leased harbor area or tideland is situated within the territorial limits of a port district, twenty-five percent of the rentals received from such leases shall be paid by the state treasurer to the county treasurer of the county wherein such port district is situated for the use of such port district and said rental shall go into a special fund to be expended only for harbor or waterfront improvement purposes. The remaining seventy-five percent shall be deposited in the capitol purchase and development account of the general fund of the state treasury: PROVIDED, That in cases where the port district itself shall have before April 28, 1967, constructed or owned structures or improvements situate upon the leased harbor area, or tidelands, the entire rentals from such improved harbor area or tideland shall go to the port district: PROVIDED FURTHER, That whenever the port district shall after April 28, 1967, construct improvements on such leased harbor area or tidelands, the rental attributable to such improvements shall go to the port district.

(2) In all other cases twenty-five percent of the rents shall be paid by the state treasurer into the county treasury of the county in which the leased harbor area or tidelands are situated, the same to go into a special fund known as the "harbor improvement fund", and to be disbursed only for harbor or harbor improvement purposes; and the remaining seventy-five percent shall be deposited in the capitol purchase and development account of the general fund of the state treasury: PROVIDED, That where any

leased harbor area or tideland is situated within the limits of any incorporated city (~~(or town)~~) and is not embraced within the area of any port district, the legislative body of the county shall allocate the funds received from the lease thereof to the municipal authorities of such city (~~(or town)~~), to be expended by said authorities for harbor or waterfront purposes: PROVIDED FURTHER, That where any leased harbor area or tideland is situated within the limits of a town, whether or not the harbor area or tideland lies within a port district, the rents from such leases shall be paid by the state treasurer to the municipal authorities of the town to be expended for water-related improvements.

(3) The state treasurer is hereby authorized and directed to make such payments to the respective county treasurers and municipal authorities for the use of such port districts (~~(or)~~)<sub>2</sub> counties, or towns, as the case may be, on the first days of July and January of each year, of all moneys in his hands on such dates payable under the terms of this section to such port district (~~(and)~~)<sub>2</sub> counties, or towns respectively.

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, 1983.

Passed the Senate March 28, 1983.

Passed the House April 17, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

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## CHAPTER 154

[Senate Bill No. 3655]

### PODIATRY—HEALTH CARE REIMBURSEMENT PARITY

AN ACT Relating to podiatric services; amending section 1, chapter 268, Laws of 1947 as last amended by section 10, chapter 102, Laws of 1980 and RCW 48.44.010; amending section 4, chapter 115, Laws of 1969 as amended by section 1, chapter 127, Laws of 1979 and RCW 48.44.220; and adding new sections to chapter 48.44 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 48.44 RCW a new section to read as follows:

The legislature finds and declares that there is a paramount concern that the right of the people to obtain access to health care in all its facets is being impaired by prepaid agreements which provide benefits, reimbursement, or indemnity by health care service contractors, whether for profit or for nonprofit, which do not provide parity of reimbursement among licensed health care providers performing the same health care services. It is further the intent of the legislature not to mandate the providing of any health care benefit, but rather to require parity of reimbursement for the same health

care services performed by all licensees who perform such services within the scope of their respective licenses thereby assuring the people of the state access to health care services of their choice.

**NEW SECTION.** Sec. 2. There is added to chapter 48.44 RCW a new section to read as follows:

Benefits shall not be denied under a contract for any health care service performed by a holder of a license issued under chapter 18.22 RCW if (1) the service performed was within the lawful scope of the person's license, and (2) the contract would have provided benefits if the service had been performed by a holder of a license issued under chapter 18.71 RCW. There shall not be imposed upon one class of doctors providing health care services as defined by this chapter any requirement that is not imposed upon all other doctors providing the same or similar health care services within the scope of their license. This section does not apply to agreements entered into or renewed by a health maintenance organization which provides comprehensive health care services directly to enrolled participants of the organization on a group practice per capita prepayment basis and which is a health maintenance organization registered under chapter 48.46 RCW or a federally qualified health maintenance organization.

The provisions of this section are intended to be procedural to the extent that they do not impair the obligation of any existing contract.

Sec. 3. Section 1, chapter 268, Laws of 1947 as last amended by section 10, chapter 102, Laws of 1980 and RCW 48.44.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Health care services" means and includes medical, surgical, dental, hospital and other therapeutic services. Ambulance services licensed in this state, the services of an optometrist licensed by the state of Washington, the services of a podiatrist licensed by the state of Washington, and the services of a pharmacist registered by the state of Washington are also declared to be health care services for the purposes of this chapter.

(2) "Doctor" means any person lawfully licensed or authorized to render any health care services.

(3) "Health care service contractor" means any corporation, cooperative group, or association, which corporation, cooperative group, or association is sponsored by or otherwise intimately connected with a group of doctors licensed by the state of Washington or by a group of hospitals licensed by the state of Washington; or doctor licensed by the state of Washington; or group of doctors licensed by the state of Washington, who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services. The term also includes any corporation, cooperative group, or association, sponsored by or otherwise intimately connected with a group of pharmacists

registered by the state of Washington; or any pharmacist, or group of pharmacists, registered by the state of Washington; who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services.

(4) "Participant" means a doctor, hospital, or licensed pharmacy, drug store or dispensary, who or which has contracted in writing with a health care service contractor to accept payment from and to look solely to such contractor according to the terms of the subscriber contract for any health care services rendered to a person who has previously paid such contractor for such services.

Sec. 4. Section 4, chapter 115, Laws of 1969 as amended by section 1, chapter 127, Laws of 1979 and RCW 48.44.220 are each amended to read as follows:

No health care service contractor shall deny coverage to any person solely on account of race, religion, national origin, or the presence of any sensory, mental, or physical handicap. Nothing in this section shall be construed as limiting a health care service contractor's authority to deny or otherwise limit coverage to a person when the person because of a medical condition does not meet the essential eligibility requirements established by the health care service contractor for purposes of determining coverage for any person.

No health care service contractor shall refuse to provide reimbursement or indemnity to any person for covered health care services for reasons that the health care services were provided by a holder of a license under chapter 18.22 RCW.

NEW SECTION. Sec. 5. There is added to chapter 48.44 RCW a new section to read as follows:

A health care service contractor which provides foot care services shall not exclude any individual doctor who is licensed to perform podiatric health care services from being a participant for reason that the doctor is licensed under chapter 18.22 RCW. Rejections of requests by doctors to be participants must be in writing stating the cause for the rejection.

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.

Passed the Senate March 15, 1983.

Passed the House April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 155

[Engrossed Substitute Senate Bill No. 3206]

OPEN PUBLIC MEETINGS—EMERGENCY MEETINGS—LOCATION—  
EXECUTIVE SESSIONS—SCOPE

AN ACT Relating to the open public meetings act; amending section 2, chapter 250, Laws of 1971 ex. sess. as amended by section 10, chapter 43, Laws of 1982 1st ex. sess. and RCW 42.30.020; amending section 7, chapter 250, Laws of 1971 ex. sess. as amended by section 1, chapter 66, Laws of 1973 and RCW 42.30.070; and amending section 11, chapter 250, Laws of 1971 ex. sess. as last amended by section 1, chapter 42, Laws of 1979 and RCW 42.30.110.

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

Sec. 1. Section 2, chapter 250, Laws of 1971 ex. sess. as amended by section 10, chapter 43, Laws of 1982 1st ex. sess. and RCW 42.30.020 are each amended to read as follows:

As used in this chapter unless the context indicates otherwise:

(1) "Public agency" means:

(a) Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature;

(b) Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of the state of Washington;

(c) Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies;

(d) Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

(2) "Governing body" means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.

(3) "Action" means the transaction of the official business of a public agency by a governing body including but not limited to a collective decision made by a majority of the members of a governing body, a collective commitment or promise by a majority of the members of a governing body to make a positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

(4) "Meeting" means meetings at which action is taken.

Sec. 2. Section 7, chapter 250, Laws of 1971 ex. sess. as amended by section 1, chapter 66, Laws of 1973 and RCW 42.30.070 are each amended to read as follows:

The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake, or other emergency, ~~((it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the presiding officer of the governing body: PROVIDED, That))~~ there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: PROVIDED, That they take no action as defined in this chapter.

Sec. 3. Section 11, chapter 250, Laws of 1971 ex. sess. as last amended by section 1, chapter 42, Laws of 1979 and RCW 42.30.110 are each amended to read as follows:

Nothing contained in this chapter shall be construed to prevent a governing body from holding executive sessions during a regular or special meeting to consider matters affecting national security; to consider the selection of a site or the acquisition of real estate by lease or purchase, when publicity regarding such consideration would cause a likelihood of increased price; to consider the disposition of real estate by lease or sale, when publicity regarding such consideration would cause a likelihood of decreased price; to consider negotiations on the performance of publicly-bid contracts when publicity regarding such consideration would cause a likelihood of increased costs; to consider the appointment, employment, or dismissal of a public officer or employee: PROVIDED, That interviewing of proposed appointees to elective office by a governing body shall not be conducted in executive session; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body. If executive sessions are

held to discuss the disposition by sale or lease of real estate, the discussion shall be limited to the minimum selling or leasing price.

Passed the Senate March 30, 1983.

Passed the House April 18, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

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## CHAPTER 156

[Engrossed Senate Bill No. 3185]

### COURTS—CRIMES—CONTINUING JURISDICTION

AN ACT Relating to crimes and punishment; amending section 1, chapter 75, Laws of 1969 and RCW 3.66.067; amending section 2, chapter 75, Laws of 1969 and RCW 3.66.068; amending section 3, chapter 75, Laws of 1969 and RCW 3.66.069; amending section 1, chapter 19, Laws of 1980 as last amended by section 10, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.95.210; amending section 81, chapter 299, Laws of 1961 and RCW 3.50.320; amending section 82, chapter 299, Laws of 1961 and RCW 3.50.330; amending section 83, chapter 299, Laws of 1961 and RCW 3.50.340; amending section 9, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.255; prescribing penalties; and declaring an emergency.

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

Sec. 1. Section 1, chapter 75, Laws of 1969 and RCW 3.66.067 are each amended to read as follows:

After a conviction, the court may defer sentencing the defendant and place him on probation and prescribe the conditions thereof, but in no case shall it extend for more than ~~((one))~~ two years from the date of conviction. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw his plea of guilty, permit him to enter a plea of not guilty, and dismiss the charges against him.

Sec. 2. Section 2, chapter 75, Laws of 1969 and RCW 3.66.068 are each amended to read as follows:

For a period not to exceed ~~((one))~~ two years after imposition of sentence, the court ~~((shall have))~~ has continuing jurisdiction and authority to suspend the execution of all or any part of its sentence upon stated terms, including installment payment of fines.

Sec. 3. Section 3, chapter 75, Laws of 1969 and RCW 3.66.069 are each amended to read as follows:

Deferral of sentence and suspension of execution of sentence may be revoked if the defendant violates or fails to carry out any of the conditions of the deferral or suspension. Upon the revocation of the deferral or suspension, the court may impose the sentence previously suspended or any unexecuted portion thereof. In no case shall the court impose a sentence greater than the original sentence, with credit given for time served and money paid on fine and costs.

Any time before entering an order terminating probation, the court may revoke or modify its order suspending the imposition or execution of the sentence. Whenever the ends of justice will be served and when warranted by the reformation of the probationer, the court may terminate the period of probation and discharge the person so held.

Sec. 4. Section 1, chapter 19, Laws of 1980 as last amended by section 10, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.95.210 are each amended to read as follows:

~~((The court))~~ In granting probation, the court may suspend the ~~((imposing))~~ imposition or the execution of the sentence and may direct that ~~((such))~~ the suspension may continue for such period of time as it shall designate, not exceeding the maximum term of sentence in the case of a superior court or a period of two years in the case of a court of limited jurisdiction organized under Title 3, 35, or 35A RCW, except as hereinafter set forth and upon such terms and conditions as it shall determine.

~~((The court))~~ In the order granting probation and as a condition thereof, the court may in its discretion imprison the defendant in the county jail for a period not exceeding one year or may fine the defendant any sum not exceeding one thousand dollars plus the costs of the action, and may in connection with ~~((such))~~ the probation impose both imprisonment in the county jail and fine and court costs. As a condition of probation, the court shall require the payment of the penalty assessment required by RCW 7.68.035. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement, (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, and (4) to contribute to a county or interlocal drug fund, and may require bonds for the faithful observance of any and all conditions imposed in the probation. The court shall order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of ~~((said))~~ the probation to follow implicitly the instructions of the secretary. If the probationer has been ordered to make restitution, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the



conduct of ~~((such))~~ the person during the term of his probation~~((~~PROVIDED, That~~))~~. For defendants found guilty in justice court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

Sec. 5. Section 81, chapter 299, Laws of 1961 and RCW 3.50.320 are each amended to read as follows:

After a conviction, the court may defer sentencing the defendant and place him on probation and prescribe the conditions thereof, but in no case shall it extend for more than ~~((one))~~ two years from the date of conviction. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw his plea of guilty, permit him to enter a plea of not guilty, and dismiss the charges against him.

Sec. 6. Section 82, chapter 299, Laws of 1961 and RCW 3.50.330 are each amended to read as follows:

For a period not to exceed ~~((one))~~ two years after imposition of sentence, the court shall have continuing jurisdiction and authority to suspend the execution of all or any part of its sentence upon stated terms, including installment payment of fines.

Sec. 7. Section 83, chapter 299, Laws of 1961 and RCW 3.50.340 are each amended to read as follows:

Deferral of sentence and suspension of execution of sentence may be revoked if the defendant violates or fails to carry out any of the conditions of the deferral or suspension. Upon the revocation of the deferral or suspension, the court shall impose the sentence previously suspended or any unexecuted portion thereof. In no case shall the court impose a sentence greater than the original sentence, with credit given for time served and money paid on fine and costs.

Any time before entering an order terminating probation, the court may revoke or modify its order suspending the imposition or execution of the sentence. Whenever the ends of justice will be served and when warranted by the reformation of the probationer, the court may terminate the period of probation and discharge the person so held.

Sec. 8. Section 9, chapter 147, Laws of 1969 ex. sess. and RCW 35.20-.255 are each amended to read as follows:

Judges of the municipal court, in their discretion, shall have the power in all criminal proceedings within their jurisdiction including violations of city ordinances, to defer imposition of any sentence, suspend all or part of any sentence, fix the terms of any such deferral or suspension, and provide for such probation and parole as in their opinion is reasonable and necessary under the circumstances of the case, but in no case shall it extend for more than two years from the date of conviction.

**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 March 1, 1983.

Passed the House April 17, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 157

[Senate Bill No. 3182]

### FINANCIAL INSTITUTIONS—HOLDING COMPANY ACQUISITIONS— SUPERVISOR OF BANKING—DUTIES

AN ACT Relating to financial institutions; amending section 30.04.060, chapter 33, Laws of 1955 as amended by section 6, chapter 196, Laws of 1982 and RCW 30.04.060; amending section 30.04.110, chapter 33, Laws of 1955 as amended by section 1, chapter 136, Laws of 1969 and RCW 30.04.110; amending section 2, chapter 194, Laws of 1963 and RCW 30.04.128; amending section 30.04.140, chapter 33, Laws of 1955 as amended by section 2, chapter 133, Laws of 1967 and RCW 30.04.140; amending section 30.04.160, chapter 33, Laws of 1955 and RCW 30.04.160; amending section 7, chapter 136, Laws of 1969 and RCW 30.04.215; amending section 30.04.230, chapter 33, Laws of 1955 as last amended by section 7, chapter 196, Laws of 1982 and RCW 30.04.230; adding new sections to chapter 30.04 RCW; repealing section 30.04.150, chapter 33, Laws of 1955 and RCW 30.04.150; repealing section 1, chapter 241, Laws of 1981 and RCW 43.19.095; repealing section 2, chapter 241, Laws of 1981 and RCW 43.19.112; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. There is added to chapter 30.04 RCW a new section to read as follows:

A bank or trust company may purchase for its own account shares of stock of a bank or a holding company that owns or controls a bank if the stock of the bank or company is owned exclusively, except to the extent directly qualifying shares are required by law, by depository institutions and the bank or company and all subsidiaries thereof are engaged exclusively in providing services for other depository institutions and their officers, directors, and employees. In no event may the total amount of such stock held by a bank or trust company in any bank or bank holding company exceed at any time ten percent of its capital stock and paid-in and unimpaired surplus, and in no event may the purchase of such stock result in a bank or trust company acquiring more than twenty-five percent of any class of voting securities of such bank or company. Such a bank or bank holding company shall be called a "banker's bank."

**NEW SECTION.** Sec. 2. There is added to chapter 30.04 RCW a new section to read as follows:

Sales of federal reserve funds with a maturity of one business day or under a continuing contract are not "loans or obligations" or "liabilities" for the purposes of the loan limits established by RCW 30.04.110. However, sales of federal reserve funds with a maturity of more than one business day are subject to those limits.

For the purposes of this section, "sale of federal reserve funds" means any transaction among depository institutions involving the disposal of immediately available funds resulting from credits to deposit balances at federal reserve banks or from credits to new or existing deposit balances due from a correspondent depository institution.

Sec. 3. Section 30.04.060, chapter 33, Laws of 1955 as amended by section 6, chapter 196, Laws of 1982 and RCW 30.04.060 are each amended to read as follows:

The supervisor, the deputy supervisor, or a bank examiner, without previous notice, shall visit each bank and each trust company at least once in each year, and oftener if necessary, for the purpose of making a full investigation into the condition of such corporation, and for that purpose they are hereby empowered to administer oaths and to examine under oath any director, officer, employee, or agent of such corporation. ~~((Said))~~ The supervisor may make such other full or partial examinations as deemed necessary and may examine any bank holding company that owns any portion of a bank or trust company chartered by the state of Washington and obtain reports of condition for any bank holding company that owns any portion of a bank or trust company chartered by the state of Washington. The supervisor may visit and examine into the affairs of any nonpublicly held corporation in which the bank, trust company, or bank holding company has an investment or any publicly held corporation the capital stock of which is controlled by the bank, trust company, or bank holding company; may appraise and revalue such corporations' investments and securities; and shall have full access to all the books, records, papers, securities, correspondence, bank accounts, and other papers of such corporations for such purposes. The supervisor may, in his or her discretion, accept in lieu of the examinations required in this section the examinations required under the terms of the federal reserve act for banks which are, or may become, members of a federal reserve bank or the deposits of which are insured by the Federal Deposit Insurance Corporation. Any wilful false swearing in any examination ~~((shall be))~~ is perjury in the second degree.

Sec. 4. Section 30.04.110, chapter 33, Laws of 1955 as amended by section 1, chapter 136, Laws of 1969 and RCW 30.04.110 are each amended to read as follows:

The total liability to any bank or trust company of any person for money borrowed, including in the liabilities of a firm or association the liabilities of the several members thereof, shall not at any time exceed ~~((fifteen))~~ twenty percent of the capital and surplus of such bank or trust company;

but the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper of solvent parties, actually owned by the person negotiating the same, shall not be considered as money borrowed by him: PROVIDED, That loans secured by collateral security having an ascertained market value of at least fifteen percent more than the amount of the loans secured, shall not be limited by this section.

Loans or obligations shall not be subject under this section to any limitation based upon such capital and surplus to the extent that they are secured or covered by guaranties, or by commitments or agreements to take over or to purchase the same, made by any federal reserve bank or by the United States or any department, bureau, board, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States.

For the purposes of this section, "capital" includes capital notes or debentures issued under chapter 30.36 RCW.

Sec. 5. Section 2, chapter 194, Laws of 1963 and RCW 30.04.128 are each amended to read as follows:

Any state bank or trust company, stock savings bank, or mutual savings bank may invest in the capital stock of banking service corporations (~~((organized for the purpose of performing or providing mechanical, clerical, or record keeping services for two or more banks))~~). The total amount which any such bank may invest in the shares of such corporations may not exceed in the case of a bank or trust company or stock savings bank, ten percent of its paid in or unimpaired capital and unimpaired surplus, or in the case of a mutual savings bank, ten percent of its guaranty fund. Such a bank service corporation may not engage in any activity other than ~~((the performance of services for banks))~~ those permitted by the bank service corporation act, 12 U.S.C. Sec. 1861, et seq., as amended by P.L. 97-320, and in effect on the effective date of this 1983 act. The performance of any service, and any records maintained by any such corporation for a bank, shall be subject to regulation and examination by the supervisor and appropriate federal agencies to the same extent as if such services or records were being performed or maintained by the bank on its own premises.

Sec. 6. Section 30.04.140, chapter 33, Laws of 1955 as amended by section 2, chapter 133, Laws of 1967 and RCW 30.04.140 are each amended to read as follows:

No bank or trust company shall pledge or hypothecate any of its securities or assets to any depositor, ~~((or creditor,))~~ except that it may qualify as depository for United States deposits, postal savings funds or other public funds, or funds held in trust and deposited by any public officer by virtue of his office, or funds held by the United States or the state of Washington, or any officer thereof in trust, or for funds of corporations owned or controlled by the United States, and may give such security for such deposits as are

required by law or by the officer making the same; and it may give security to its trust department for deposits with itself which represent trust funds invested in savings accounts or which represent fiduciary funds awaiting investment or distribution(~~(: PROVIDED, That any bank or trust company may borrow, for temporary purposes, not to exceed in the aggregate amount the paid-in capital and surplus thereof, and may pledge as security therefor assets of such corporation, not exceeding one and one-half times the amount borrowed))~~).

Sec. 7. Section 30.04.160, chapter 33, Laws of 1955 and RCW 30.04.160 are each amended to read as follows:

~~((When it shall appear to the supervisor that any bank or trust company is habitually borrowing for the purpose of reloaning, he may require such corporation to pay off such borrowed money. Nothing herein shall prevent any bank or trust company from rediscounting in good faith and indorsing any of its negotiable notes, but all such moneys borrowed and all such discounts shall at all times show on its books and in its reports. No certificates of deposit shall be issued for the purpose of borrowing money.))~~ No officer of any bank or trust company shall issue the note of such corporation for money borrowed or rediscount any of its notes except when authorized by resolution of its board of directors or by an authorized committee thereof. Violation of any provision of RCW 30.04.140 or 30.04.150 or of this section shall constitute a felony.

Sec. 8. Section 7, chapter 136, Laws of 1969 and RCW 30.04.215 are each amended to read as follows:

In addition to all powers ~~((previously))~~ enumerated by this title, and those necessarily implied therefrom, a bank may engage in other business ~~((activity: PROVIDED, That))~~ activities that have been determined by the board of governors of the federal reserve system or by the United States Congress to be closely related to the business of banking, as of the effective date of this 1983 act. At least thirty days before investment in corporations or other entities under this chapter, notification by letter shall be made to the supervisor in accordance with such terms and conditions as the supervisor might establish by rule. A bank ~~((; which))~~ that desires to perform an activity ~~((which))~~ that is not expressly authorized by ~~((the powers enumerated in))~~ this section ~~((;))~~ shall first apply to the supervisor for authorization to conduct such activity. Within thirty days of the receipt of this application, the supervisor shall determine whether the activity is ~~((and appropriate adjunct))~~ closely related to the business of banking, whether the public convenience and advantage will be promoted, whether the activity is apt to create an unsafe or unsound practice by the bank and whether the applicant is capable of performing such an activity. If the supervisor finds the activity to be ~~((an appropriate adjunct))~~ closely related to the business of banking and the bank is otherwise qualified, he shall forthwith inform the applicant

that the activity is authorized. If the supervisor determines that such activity is not ~~((an appropriate adjunct))~~ closely related to the business of banking or the bank is not otherwise qualified, he shall forthwith inform the applicant in writing. The applicant shall have the right to appeal from an unfavorable determination in accordance with the procedures of the Administrative Procedure Act, chapter 34.04 RCW ~~((, as now or hereafter amended))~~. In determining whether a particular activity is ~~((an appropriate adjunct))~~ closely related to the business of banking, the supervisor shall be guided by ~~((whether national banks under federal laws and administrative regulations and rulings have the authority to perform such activity))~~ the rulings of the board of governors of the federal reserve system in making determinations in connection with the powers exercisable by bank holding companies, and the activities performed by other commercial banks or their holding companies. Any activity which may be performed by a bank, except the taking of deposits, may be performed by a corporation, all of the outstanding stock of which is owned by the bank. A bank shall not invest a sum greater than twenty-five percent of its capital and surplus in the capital stock of corporations organized to perform activities authorized by this section.

Sec. 9. Section 30.04.230, chapter 33, Laws of 1955 as last amended by section 7, chapter 196, Laws of 1982 and RCW 30.04.230 are each amended to read as follows:

(1) A corporation or association organized under the laws of this state or licensed to transact business in the state, other than a bank or trust company, may acquire any or all shares of stock of any bank, trust company, or national banking association. Nothing in this section shall be construed to prohibit the merger, consolidation, or reorganization of a bank or trust company in accordance with this title ~~((, or to permit a))~~.

(2) Unless the terms of this section are complied with, an out-of-state bank holding company ((the operations of which are principally conducted outside this state to)) shall not acquire more than five percent of the shares of the voting stock or all or substantially all of the assets of a bank, trust company, or national banking association the principal operations of which are conducted within this state.

(3) As used in this section a "bank holding company" means a company that is a bank holding company as defined by the Bank Holding Company Act of 1956, as amended (12 U.S.C. Sec. 1941 et seq.). An "out-of-state bank holding company" is a bank holding company that principally conducts its operations outside this state, as measured by total deposits held or controlled by its bank subsidiaries on the date on which it became a holding company. A "domestic bank holding company" is a bank holding company that principally conducts its operations within this state, as measured by total deposits held or controlled by its bank subsidiaries on the date on which it became a bank holding company.

(4) Any such acquisition referred to under subsection (2) of this section by an out-of-state bank holding company requires the express written approval of the supervisor of banking. Approval shall not be granted unless and until the following conditions are met:

(a) An out-of-state bank holding company desiring to make an acquisition referred to under subsection (2) of this section and the bank, trust company, national banking association, or domestic bank holding company parent thereof, if any, proposed to be acquired shall file an application in writing with the supervisor of banking and pay an investigation fee of five thousand dollars to the supervisor of banking. The application shall contain such information as the supervisor of banking may prescribe by rule as necessary or appropriate for the purpose of making a determination under this section. The application and supporting information and all examination reports and information obtained by the supervisor and the supervisor's staff in conducting its investigation shall be confidential and privileged and not subject to public disclosure under chapter 42.17 RCW. The application and information may be disclosed to federal bank regulatory agencies and to officials empowered to investigate criminal charges, subject to legal process, valid search warrant, or subpoena. In any civil action in which such application or information is sought to be discovered or used as evidence, any party may, upon notice to the supervisor and other parties, petition for an in camera review. The court may permit discovery and introduction of only those portions that are relevant and otherwise unobtainable by the requesting party. The application and information shall be discoverable in any judicial action challenging the approval of an acquisition by the supervisor as arbitrary and capricious or unlawful.

(b) The supervisor of banking shall find that:

(i) The bank, trust company, or national banking association that is proposed to be acquired or the domestic bank holding company controlling such bank, trust company, or national banking association is in such a liquidity or financial condition as to be in danger of closing, failing, or insolvency. In making any such determination the supervisor shall be guided by the criteria developed by the federal regulatory agencies with respect to emergency acquisitions under the provisions of 12 U.S.C. Sec. 1828(c);

(ii) There is no state bank, trust company, or national banking association doing business in the state of Washington or domestic bank holding company with sufficient resources willing to acquire the entire bank, trust company, or national banking association on at least as favorable terms as the out-of-state bank holding company is willing to acquire it;

(iii) The applicant out-of-state bank holding company has provided all information and documents requested by the supervisor in relation to the application; and

(iv) The applicant out-of-state bank holding company has demonstrated an acceptable record of meeting the credit needs of its entire community,

including low and moderate income neighborhoods, consistent with the safe and sound operation of such institution.

(c) The supervisor shall consider:

(i) The financial institution structure of this state; and

(ii) The convenience and needs of the public of this state.

(5) Nothing in this section may be construed to prohibit, limit, restrict, or subject to further regulation the ownership by a bank of the stock of a bank service corporation or a banker's bank.

NEW SECTION. Sec. 10. Section 30.04.150, chapter 33, Laws of 1955 and RCW 30.04.150 are each repealed.

**\*NEW SECTION.** Sec. 11. *The following acts or parts of acts are each repealed:*

*(1) Section 1, chapter 241, Laws of 1981 and RCW 43.19.095; and*

*(2) Section 2, chapter 241, Laws of 1981 and RCW 43.19.112.*

\*Sec. 11. was vetoed, see message at end of chapter.

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. Sections 1 through 10 of this 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 immediately.

Passed the Senate April 24, 1983.

Passed the House April 24, 1983.

Approved by the Governor April 25, 1983, with the exception of section 11, which is vetoed.

Filed in Office of Secretary of State April 25, 1983.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 11, Senate Bill No. 3182, entitled:

"AN ACT relating to financial institutions."

Section 11 of this bill would repeal the banking examination fund and the savings and loan and credit unions examination fund. The monies in those funds, paid by fees from financial institutions, provide the entire operating budget for the Divisions of Banking and of Savings and Loans, Department of General Administration. The funds are essential to the Department's effective regulation of our financial institutions. Because this bill has an emergency clause, those funds would immediately cease to exist, and the Department would have no money to implement this bill or to perform any other related regulatory function. For these reasons, I have vetoed section 11.

With the exception of section 11, which I have vetoed, Senate Bill No. 3182 is approved."



## CHAPTER 158

[Substitute Senate Bill No. 3299]

CONSUMER LEASES—PERSONAL PROPERTY—CONTRACT  
PROVISIONS—DISTINGUISHED FROM LOANS OR INSTALLMENT SALES

AN ACT Relating to personal property leasing; amending section 1, chapter 80, Laws of 1899 as amended by section 1, chapter 80, Laws of 1981 and RCW 19.52.010; amending section 1, chapter 236, Laws of 1963 as last amended by section 1, chapter 77, Laws of 1981 and RCW 63.14.010; adding a new chapter to Title 63 RCW; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. The leasing of motor vehicles, furniture and fixtures, appliances, commercial equipment, and other personal property has become an important and widespread form of business transaction that is beneficial to the citizens and to the economy of the state. Users of personal property of all types and lessors throughout the state have relied upon the distinct nature of leasing as a modern means of transacting business that creates different relationships and legal consequences from those of lender and borrower in loan transactions and those of seller and buyer in installment sale transactions. The utility of lease transactions and the well-being of the state's economy and of the leasing industry require that leasing be a legally recognized and distinct form of transaction, creating legal relationships and having legal consequences different from loans or installment sales.

**NEW SECTION.** Sec. 2. As used in this chapter, unless the context otherwise requires:

(1) The term "consumer lease" means a contract of lease or bailment for the use of personal property by a natural person for a period of time exceeding four months, and for a total contractual obligation not exceeding twenty-five thousand dollars, primarily for personal, family, or household purposes, whether or not the lessee has the option to purchase or otherwise become the owner of the property at the expiration of the lease, except that such term shall not include any lease which meets the definition of a retail installment contract under RCW 63.14.010. The inclusion in a lease of a provision whereby the lessee's or lessor's liability, at the end of the lease period or upon an earlier termination, is based on the value of the leased property at that time, shall not be deemed to make the transaction other than a consumer lease. The term "consumer lease" does not include a lease for agricultural, business, or commercial purposes, or to a government or governmental agency or instrumentality, or to an organization.

(2) The term "lessee" means a natural person who leases or is offered a consumer lease.

(3) The term "lessor" means a person who is regularly engaged in leasing, offering to lease, or arranging to lease under a consumer lease.

**NEW SECTION.** Sec. 3. (1) Where the lessee's liability on expiration of a consumer lease is based on the estimated residual value of the property, such estimated residual value shall be a reasonable approximation of the anticipated actual fair market value of the property on lease expiration. There shall be a rebuttable presumption that the estimated residual value is unreasonable to the extent that the estimated residual value exceeds the actual residual value by more than three times the average payment allocable to a monthly period under the lease. In addition, where the lessee has such liability on expiration of a consumer lease there shall be a rebuttable presumption that the lessor's estimated residual value is not in good faith to the extent that the estimated residual value exceeds the actual residual value by more than three times the average payment allocable to a monthly period under the lease and such lessor shall not collect from the lessee the amount of such excess liability on expiration of a consumer lease unless the lessor brings a successful action with respect to such excess liability. In all actions, the lessor shall pay the lessee's reasonable attorneys' fees. The presumptions stated in this section shall not apply to the extent the excess of estimated over actual residual value is due to physical damage to the property beyond reasonable wear and use, or to excessive use, and the lease may set standards for such wear and use if such standards are not unreasonable. Nothing in this subsection shall preclude the right of a willing lessee to make any mutually agreeable final adjustment with respect to such excess residual liability, provided such an agreement is reached after termination of the lease.

(2) Penalties or other charges for delinquency, default, or early termination may be specified in the lease but only at an amount which is reasonable in the light of the anticipated or actual harm caused by the delinquency, default, or early termination, the difficulties of proof of loss, and the inconvenience or nonfeasibility of otherwise obtaining an adequate remedy.

(3) If a lease has a residual value provision at the termination of the lease, the lessee may obtain, at his expense, a professional appraisal of the leased property by an independent third party agreed to be both parties. Such appraisal shall be final and binding on the parties.

**NEW SECTION.** Sec. 4. (1) In any lease contract subject to this chapter, the following items, as applicable, shall be disclosed:

(a) A brief description of the leased property, sufficient to identify the property to the lessee and lessor.

(b) The total amount of any payment, such as a refundable security deposit paid by cash, check, or similar means, advance payment, capitalized cost reduction, or any trade-in allowance, appropriately identified, to be paid by the lessee at consummation of the lease.

(c) The number, amount, and due dates or periods of payments scheduled under the lease and the total amount of the periodic payments.

(d) The total amount paid or payable by the lessee during the lease term for official fees, registration, certificate of title, license fees, or taxes.

(e) The total amount of all other charges, individually itemized, payable by the lessee to the lessor, which are not included in the periodic payments. This total includes the amount of any liabilities the lease imposes upon the lessee at the end of the term, but excludes the potential difference between the estimated and realized values required to be disclosed under (m) of this subsection.

(f) A brief identification of insurance in connection with the lease including (i) if provided or paid for by the lessor, the types and amounts of coverages and cost to the lessee, or (ii) if not provided or paid for by the lessor, the types and amounts of coverages required of the lessee.

(g) A statement identifying any express warranties or guarantees available to the lessee made by the lessor or manufacturer with respect to the leased property.

(h) An identification of the party responsible for maintaining or servicing the leased property together with a brief description of the responsibility, and a statement of reasonable standards for wear and use, if the lessor sets such standards.

(i) A description of any security interest, other than a security deposit disclosed under (b) of this subsection, held or to be retained by the lessor in connection with the lease and a clear identification of the property to which the security interest relates.

(j) The amount or method of determining the amount of any penalty or other charge for delinquency, default, or late payments.

(k) A statement of whether or not the lessee has the option to purchase the leased property and, if at the end of the lease term, at what price, and, if prior to the end of the lease term, at what time, and the price or method of determining the price.

(l) A statement of the conditions under which the lessee or lessor may terminate the lease prior to the end of the lease term and the amount or method of determining the amount of any penalty or other charge for early termination.

(m) A statement that the lessee shall be liable for the difference between the estimated value of the property and its realized value at early termination or the end of the lease term, if such liability exists.

(n) Where the lessee's liability at early termination or at the end of the lease term is based on the estimated value of the leased property, a statement that the lessee may obtain at the end of the lease term or at early termination, at the lessee's expense, a professional appraisal of the value which could be realized at sale of the leased property by an independent third party agreed to by the lessee and the lessor, which appraisal shall be final and binding on the parties.

(o) Where the lessee's liability at the end of the lease term is based upon the estimated value of the leased property:

(i) The value of the property at consummation of the lease, the itemized total lease obligation at the end of the lease term, and the difference between them.

(ii) That there is a rebuttable presumption that the estimated value of the leased property at the end of the lease term is unreasonable and not in good faith to the extent that it exceeds the realized value by more than three times the average payment allocable to a monthly period, and that the lessor cannot collect the amount of such excess liability unless the lessor brings a successful action in court in which the lessor pays the lessee's attorney's fees, and that this provision regarding the presumption and attorney's fees does not apply to the extent the excess of estimated value over realized value is due to unreasonable wear or use, or excessive use.

(iii) A statement that the requirements of (o)(ii) of this subsection do not preclude the right of a willing lessee to make any mutually agreeable final adjustment regarding such excess liability.

(2) Any consumer lease which complies with the disclosure requirements of Title I of the federal consumer protection act (90 Stat. 257, 15 U.S.C. Sec. 1667 et seq.), which is also known as the federal consumer leasing act, as of the date upon which the consumer lease is executed, shall be deemed to comply with the disclosure requirements of this chapter.

NEW SECTION. Sec. 5. A violation of this chapter is an unfair act or practice in the conduct of commerce for the purpose of the application of the consumer protection act, chapter 19.86 RCW.

Sec. 6. Section 1, chapter 80, Laws of 1899 as amended by section 1, chapter 80, Laws of 1981 and RCW 19.52.010 are each amended to read as follows:

(1) Every loan or forbearance of money, goods, or thing in action shall bear interest at the rate of twelve percent per annum where no different rate is agreed to in writing between the parties. The discounting of commercial paper, where the borrower makes himself liable as maker, guarantor, or indorser, shall be considered as a loan for the purposes of this chapter.

(2) A lease shall not be considered a loan or forbearance for the purposes of this chapter if:

(a) It constitutes a "consumer lease" as defined in section 2 of this 1983 act; or

(b) It would constitute such "consumer lease" but for the fact that:

(i) The lessee was not a natural person;

(ii) The lease was not primarily for personal, family, or household purposes; or

(iii) The total contractual obligation exceeded twenty-five thousand dollars.

Sec. 7. Section 1, chapter 236, Laws of 1963 as last amended by section 1, chapter 77, Laws of 1981 and RCW 63.14.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Goods" means all chattels personal when purchased primarily for personal, family or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(2) "Services" means work, labor or services of any kind when purchased primarily for personal, family or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair or improvement of goods and includes repairs, alterations or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer or official of either as in the case of transportation services;

(3) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

(4) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(5) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract or a retail charge agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

(6) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming

the owner of the goods upon full compliance with the provisions of the bailment or lease. The term "retail installment contract" does not include: (a) A "consumer lease," heretofore or hereafter entered into, as defined in section 2 of this 1983 act; or (b) a lease which would constitute such "consumer lease" but for the fact that: (i) It was entered into before the effective date of this 1983 act; (ii) the lessee was not a natural person; (iii) the lease was not primarily for personal, family, or household purposes; or (iv) the total contractual obligations exceeded twenty-five thousand dollars;

(7) "Retail charge agreement," "revolving charge agreement" or "charge agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(8) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs or official fees;

(9) "Sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction. The sale price may include any taxes, registration and license fees, and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations or improvements;

(10) "Official fees" means the amount of the fees prescribed by law for filing, recording or otherwise perfecting, and releasing or satisfying, a retained title, lien or other security interest created by a retail installment transaction;

(11) "Time balance" means the principal balance plus the service charge;

(12) "Principal balance" means the sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance and official fees;

(13) "Person" means an individual, partnership, joint venture, corporation, association or any other group, however organized;

(14) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period.

NEW SECTION. Sec. 8. No person may plead the defense of usury or maintain any action thereon based upon a transaction heretofore entered into if such transaction:

- (1) constitutes a "consumer lease" as defined in section 2 of this act; or  
 (2) would constitute such a consumer lease but for the fact that:  
 (i) the lessee was not a natural person;  
 (ii) the lease was not primarily for personal, family, or household purposes; or  
 (iii) the total contractual obligation exceeded twenty-five thousand dollars.

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 8 of this act shall constitute a new chapter in Title 63 RCW.

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 Senate April 23, 1983.

Passed the House April 15, 1983.

Approved by the Governor April 29, 1983.

Filed in Office of Secretary of State April 29, 1983.

## CHAPTER 159

[Senate Bill No. 4088]

### ARCHAEOLOGICAL RESEARCH CENTER—SUNSET TERMINATION REMOVED

AN ACT Relating to the archaeological research center; repealing section 27, chapter 99, Laws of 1979 and RCW 43.131.201; repealing section 69, chapter 99, Laws of 1979 and RCW 43.131.202; and declaring an emergency.

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

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

- (1) Section 27, chapter 99, Laws of 1979 and RCW 43.131.201;  
 (2) Section 69, chapter 99, Laws of 1979 and RCW 43.131.202.

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 23, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 5, 1983.

Filed in Office of Secretary of State May 5, 1983.

## CHAPTER 160

[Engrossed Substitute Senate Bill No. 3101]

LIQUOR CONTROL BOARD—LOTTERY SERVICES—LIQUOR LICENSES—  
EXPIRATION—RENEWAL—PROXIMITY TO CERTAIN BUSINESSES OR  
SCHOOLS

AN ACT Relating to the powers of the state liquor control board to issue licenses and perform services for the state lottery commission; amending section 69, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 173, Laws of 1975 1st ex. sess. and RCW 66.08.050; amending section 4, chapter 6, Laws of 1961 ex. sess. as amended by section 1, chapter 239, Laws of 1963 and RCW 66.08.026; and amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 85, Laws of 1982 and RCW 66.24.010.

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

Sec. 1. Section 69, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 173, Laws of 1975 1st ex. sess. and RCW 66.08.050 are each amended to read as follows:

The board, subject to the provisions of this title and the regulations, shall

(1) determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;

(2) appoint in cities and towns and other communities, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the board and be authorized to sell liquor to such persons, firms or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules and regulations consistent with this title as the board may require;

(3) establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;

(4) provide for the leasing for periods not to exceed ten years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board;

(5) determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title;

(6) execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

(7) pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board;

(8) require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;



(9) perform services for the state lottery commission to such extent, and for such compensation, as may be mutually agreed upon between the board and the commission;

(10) perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor.

Sec. 2. Section 4, chapter 6, Laws of 1961 ex. sess. as amended by section 1, chapter 239, Laws of 1963 and RCW 66.08.025 are each amended to read as follows:

All administrative expenses of the board incurred on and after April 1, 1963 shall be appropriated and paid from the liquor revolving fund. These administrative expenses shall include, but not be limited to: The salaries and expenses of the board and its employees, the cost of establishing, leasing, maintaining, and operating state liquor stores and warehouses, legal services, annual or other audits, and other general costs of conducting the business of the board. The administrative expenses shall not, however, be deemed to include costs of liquor and lottery tickets purchased, the cost of transportation and delivery to the point of distribution, other costs pertaining to the acquisition and receipt of liquor and lottery tickets, packaging and repackaging of liquor, sales tax, and those amounts distributed pursuant to RCW 66.08.180, 66.08.190, 66.08.200, 66.08.210 and 66.08.220.

Sec. 3. Section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 85, Laws of 1982 and RCW 66.24.010 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant, and the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension or revocation of any license, the liquor control board may consider any prior criminal conduct of the applicant and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The board may, in its discretion, grant or refuse the license applied for. No retail license of any kind may be issued to:

(a) A person who has not resided in the state for at least one month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

(d) A corporation, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington.

(3) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be. The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

Witnesses shall be allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.04.105, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension, with a memorandum of the suspension written or stamped upon the face thereof in red ink. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5) ~~((The board shall assign to each business an expiration date for all licenses or certificates of approval covered by this title. Following the assignment, unless sooner canceled, every license or certificate of approval issued by the board shall expire at midnight of the last day of the month on the twelfth month subsequent to issue.~~

~~(a) Each business shall be assigned a license or certificate of approval expiration date according to the schedule following below in this subsection. Fees for such licenses or certificates of approval shall be charged at full annual rate as outlined in chapter 66.24 RCW. The board shall prorate license or certificate of approval fees as necessary to implement the reassignment of expiration dates and to maintain the date assignment of each:~~

~~(i) New applicants; last day of the month of approval and issuance:~~

~~(ii) Existing business; distributed evenly on a monthly basis throughout the year:~~

~~(iii) New businesses; expiration date shall be adjusted as required to conform to a date simultaneous to the majority of the applicant's business branches:~~

~~(iv) Supplemental license(s); shall expire on the same date as the master:~~

~~(b) The board will consider requests from applicants for exceptions to assigned renewal dates. Approval shall be at the discretion of the board:~~

~~(c) All applications shall be submitted with a full year's fee for the type of license or certificate of approval for which the type of application is intended:~~

~~(d) All licenses or certificates of approval presently issued and covered under this title unless sooner discontinued or canceled shall be assigned not later than July 1, 1983, a license expiration date:~~

~~(c) Licenses issued under the provisions of RCW 66.24.310, as now or hereafter amended, are excluded from provisions of this subsection and unless sooner canceled shall expire at midnight of the thirtieth day of June of the fiscal year for which issued.)~~

(a) At the time of the original issuance of a class H license, the board shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required. (b) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the board deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.04 RCW, a system for staggering the annual renewal dates for any and all licenses authorized by this chapter. If such a system of staggered annual renewal dates is established by the board, the license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect.

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated

city or town, if the application be for a license within an incorporated city or town, or to the county legislative authority, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of Title 34 RCW, as now or hereafter amended. Upon the granting of a license under this title the board shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(9) Before the board issues any license to any applicant, it shall give (a) due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions and (b) written notice by certified mail of the application to churches, schools, and public institutions within five hundred feet of the premises to be licensed. The board shall issue no beer retailer license class A, B, D, or E or wine retailer license class C or F or class H license covering any premises not now licensed, if such premises are within five hundred feet of the premises of any ~~((church, parochial, or))~~ tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the outer property line of the ~~((church or))~~ school grounds to the nearest public entrance of the premises proposed for license, and if, after receipt by the school ~~((, church,))~~ or public institution of the notice as provided in this subsection, the board receives written notice, within twenty days after posting such notice, from an official representative or representatives of the school ~~((s and/or churches))~~ within five hundred feet of said proposed licensed premises, indicating to the board that there is an objection to the issuance of such license because of proximity to a school ~~((or church))~~. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith. No liquor license may be issued or reissued by the board to any motor sports facility or licensee operating within the motor sports facility unless the motor sports facility enforces a program reasonably calculated to prevent alcohol or alcoholic beverages not purchased within the facility from entering the facility and such program is approved by local law enforcement agencies. It is the intent under this subsection that a retail

license shall not be issued by the board where doing so would, in the judgment of the board, adversely affect a private school meeting the requirements for private schools under Title 28A RCW, which school is within five hundred feet of the proposed licensee. The board shall fully consider and give substantial weight to objections filed by private schools. If a license is issued despite the proximity of a private school, the board shall state in a letter addressed to the private school the board's reasons for issuing the license.

(10) The restrictions set forth in the preceding subsection shall not prohibit the board from authorizing the transfer of existing licenses now located within the restricted area to other persons or locations within the restricted area: PROVIDED, Such transfer shall in no case result in establishing the licensed premises closer to a church or school than it was before the transfer.

Passed the Senate April 24, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 6, 1983.

Filed in Office of Secretary of State May 6, 1983.

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## CHAPTER 161

[Engrossed Second Substitute Senate Bill No. 3245]

HOUSING FINANCE COMMISSION—HOUSING FINANCE PLAN—  
RESIDENTIAL PURCHASE AND CONSTRUCTION ASSISTANCE—BONDS—  
AUDIT

AN ACT Relating to housing financing; amending section 9, chapter 10, Laws of 1982 and RCW 42.17.240; amending section 4, chapter 95, Laws of 1895 as last amended by section 1, chapter 167, Laws of 1979 ex. sess. and RCW 4.92.040; adding a new chapter to Title 43 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 43.21C RCW; providing an effective date; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. **DECLARATION OF PUBLIC POLICIES—PURPOSE.** It is declared to be the public policy of the state and a recognized governmental function to assist in making affordable and decent housing available throughout the state and by so doing to contribute to the general welfare. Decent housing for the people of our state is a most important public concern. Interest rates and construction costs have made it impossible for many Washington citizens to purchase their own homes. Older people, disabled persons, and low and moderate income families often cannot afford to rent decent housing. There exists throughout the state a serious shortage of safe, sanitary and energy efficient housing available at prices within the financial means of our citizens. General economic development within the state is also impeded by a lack of affordable housing. The state's economy, which is dependent on the timber, wood products, and construction industries, has been damaged by inadequate investment in

housing construction and rehabilitation. The result has been high unemployment and economic hardship affecting the prosperity of all the people of the state, particularly those in the wood products industry.

It is the purpose of this chapter to establish a state housing finance commission to act as a financial conduit which, without using public funds or lending the credit of the state or local government, can issue nonrecourse revenue bonds and participate in federal, state, and local housing programs and thereby make additional funds available at affordable rates to help provide housing throughout the state. It is also a primary purpose of this chapter to encourage the use of Washington state forest products in residential construction. This chapter is enacted to accomplish these and related purposes and shall be liberally construed to carry out its purposes and objectives.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Bonds" means the bonds, notes, or other evidences of indebtedness of the commission, the interest paid on which may or may not qualify for tax exemption.

(2) "Code" means the federal internal revenue code of 1954, as now or hereafter amended, and the regulations and rulings promulgated thereunder.

(3) "Commission" means the Washington state housing finance commission or any board, body, commission, department, or officer succeeding to the principal functions thereof or to whom the powers conferred upon the commission shall be given by law.

(4) "Costs of housing" means all costs related to the development, design, acquisition, construction, reconstruction, leasing, rehabilitation, and other improvements of housing, as determined by the commission.

(5) "Eligible person" means a person or family eligible in accordance with standards promulgated by the commission. Such persons shall include those persons whose income is insufficient to obtain at a reasonable cost, without financial assistance, decent, safe, and sanitary housing in the area in which the person or family resides, and may include such other persons whom the commission determines to be eligible.

(6) "Housing" means specific new, existing, or improved residential dwellings within this state or dwellings to be constructed within this state. The term includes land, buildings, and manufactured dwellings, and improvements, furnishings, and equipment, and such other nonhousing facilities, furnishings, equipment, and costs as may be incidental or appurtenant thereto if in the judgment of the commission the facilities, furnishings, equipment and costs are an integral part of the project. Housing may consist of single-family or multifamily dwellings in one or more structures located on contiguous or noncontiguous parcels or any combination thereof.

Improvements may include such equipment and materials as are appropriate to accomplish energy efficiency within a dwelling. The term also includes a dwelling constructed by a person who occupies and owns the dwelling.

(7) "Mortgage" means a mortgage, mortgage deed, deed of trust, security agreement, or other instrument securing a mortgage loan and constituting a lien on or security interest in housing. The property may be 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 of repayment of the mortgage loan secured by the mortgage. The property may also be housing which is evidenced by an interest in a cooperative association or corporation if ownership of the interest entitles the owner of the interest to occupancy of a dwelling owned by the association or corporation.

(8) "Mortgage lender" means any of the following entities which customarily provide service or otherwise aid in the financing of housing and which are approved as a mortgage lender by the commission: A bank, trust company, savings bank, national banking association, savings and loan association, building and loan association, mortgage banker, mortgage company, credit union, life insurance company, or any other financial institution, governmental agency, municipal corporation, or any holding company for any of the entities specified in this subsection.

(9) "Mortgage loan" means an interest-bearing loan or a participation therein, made to a borrower, for the purpose of financing the costs of housing, evidenced by a promissory note, and which may or may not be secured (a) under a mortgage agreement, (b) under any other security agreement, regardless of whether the collateral is personal or real property, or (c) by insurance or a loan guarantee of a third party. However, an unsecured loan shall not be considered a mortgage loan under this definition unless the amount of the loan is under two thousand five hundred dollars.

NEW SECTION. Sec. 3. BONDS NOT DEBT OF STATE. Bonds issued under this chapter shall be issued in the name of the commission. The bonds shall not be obligations of the state of Washington and shall be obligations only of the commission payable from the special fund or funds created by the commission for their payment. Such funds shall not be or constitute public moneys or funds of the state of Washington but at all times shall be kept segregated and set apart from other funds.

Bonds issued under this chapter shall contain a recital on their face to the effect that payment of the principal of, interest on, and prepayment premium, if any, on the bonds, shall be a valid claim only as against the special fund or funds relating thereto, that neither the faith and credit nor the taxing power of the state or any municipal corporation, subdivision, or agency of the state, other than the commission as set forth in this chapter, is pledged to the payment of the principal of, interest on, and prepayment premium, if any, on the bonds.

Contracts entered into by the commission shall be entered into in the name of the commission and not in the name of the state of Washington. The obligations of the commission under the contracts shall be obligations only of the commission and are not in any way obligations of the state of Washington.

NEW SECTION. Sec. 4. COMMISSION CREATED. (1) There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington state housing finance commission. The commission is an instrumentality of the state exercising essential government functions and, for purposes of the code, acts as a constituted authority on behalf of the state when it issues bonds pursuant to this chapter. The commission is a "public body" within the meaning of RCW 39.53.010.

(2) The commission shall consist of the following voting members:

(a) The state treasurer, ex officio;

(b) The director of the planning and community affairs agency, ex officio;

(c) An elected local government official, ex officio, with experience in local housing programs, who shall be appointed by the governor with the consent of the senate;

(d) A representative of housing consumer interests, appointed by the governor with the consent of the senate;

(e) A representative of labor interests, appointed by the governor, with the consent of the senate, after consultation with representatives of organized labor;

(f) A representative of low-income persons, appointed by the governor with the consent of the senate;

(g) Five members of the public appointed by the governor, with the consent of the senate, on the basis of geographic distribution and their expertise in housing, real estate, finance, energy efficiency, or construction, one of whom shall be appointed by the governor as chair of the commission and who shall serve on the commission and as chair of the commission at the pleasure of the governor.

The term of the persons appointed by the governor, other than the chair, shall be four years from the date of their appointment, except that the terms of three of the initial appointees shall be for two years from the date of their appointment. The governor shall designate the appointees who will serve the two-year terms. An appointee may be removed by the governor for cause pursuant to RCW 43.06.070 and 43.06.080. The governor shall fill any vacancy in an appointed position by appointment for the remainder of the unexpired term. If the planning and community affairs agency is abolished, the resulting vacancy shall be filled by a state official who shall be appointed to the commission by the governor. If this official occupies an



office or position for which senate confirmation is not required, then his appointment to the commission shall be subject to the consent of the senate. The members of the commission shall serve without compensation, but may be reimbursed, solely from the funds of the commission, for expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A majority of the commission constitutes a quorum. Designees shall be appointed in such manner and shall exercise such powers as are specified by the rules of the commission.

(3) The commission may adopt an official seal and may select from its membership a vice chair, a secretary, and a treasurer. The commission shall establish rules concerning its exercise of the powers authorized by this chapter. The rules shall be adopted in conformance with chapter 34.04 RCW.

NEW SECTION. Sec. 5. HOUSING FINANCING POWERS. (1) In addition to other powers and duties prescribed in this chapter, and in furtherance of the purposes of this chapter to provide decent, safe, sanitary, and affordable housing for eligible persons, the commission is empowered to:

(a) Issue bonds in accordance with this chapter: PROVIDED, HOWEVER, That this power to issue bonds shall cease to exist on June 30, 1986, unless extended by law for an additional fixed period of time;

(b) Invest in, purchase, or make commitments to purchase or take assignments from mortgage lenders of mortgages or mortgage loans;

(c) Make loans to or deposits with mortgage lenders for the purpose of making mortgage loans; and

(d) Participate fully in federal and other governmental programs and to take such actions as are necessary and consistent with this chapter to secure to itself and the people of the state the benefits of those programs and to meet their requirements, including such actions as the commission considers appropriate in order to have the interest payments on its bonds and other obligations treated as tax exempt under the code.

(2) The commission shall establish eligibility standards for eligible persons, considering at least the following factors:

(a) Income;

(b) Family size;

(c) Cost, condition and energy efficiency of available residential housing;

(d) Availability of decent, safe, and sanitary housing;

(e) Age or infirmity; and

(f) Applicable federal, state, and local requirements.

NEW SECTION. Sec. 6. NO POWER OF EMINENT DOMAIN OR TAXATION. The commission does not have the power of eminent domain and the commission does not have the power to levy any taxes of any kind.

NEW SECTION. Sec. 7. HOUSING FINANCE PLAN. The commission shall adopt a general plan of housing finance objectives to be implemented by the commission during the period of the plan. The commission shall adopt a plan no later than December 15, 1983. The commission may exercise the powers authorized under this chapter prior to the adoption of the initial plan. In developing the plan, the commission shall consider and set objectives for:

- (1) The use of funds for single-family and multifamily housing;
- (2) The use of funds for new construction, rehabilitation, including refinancing of existing debt, and home purchases;
- (3) The housing needs of low-income and moderate-income persons and families, and of elderly or mentally or physically handicapped persons;
- (4) The use of funds in coordination with federal, state, and local housing programs for low-income persons;
- (5) The use of funds in urban, rural, suburban, and special areas of the state;
- (6) The use of financing assistance to stabilize and upgrade declining urban neighborhoods;
- (7) The use of financing assistance for economically depressed areas, areas of minority concentration, reservations, and in mortgage-deficient areas;
- (8) The geographical distribution of bond proceeds so that the benefits of the housing programs provided under this chapter will be available to address demand on a fair basis throughout the state;
- (9) The use of financing assistance for implementation of cost-effective energy efficiency measures in dwellings.

The plan shall include an estimate of the amount of bonds the commission will issue during the term of the plan and how bond proceeds will be expended.

The plan shall be adopted by resolution of the commission following at least one public hearing thereon, notice of which shall be made by mailing to the clerk of the governing body of each county and by publication in the Washington State Register no more than forty and no less than twenty days prior to the hearing. A draft of the plan shall be made available not less than thirty days prior to any such public hearing. At least every two years, the commission shall report to the legislature regarding implementation of the plan.

Prior to December 31, 1983, the commission shall submit the plan to the chief clerk of the house and secretary of the senate for transmittal to and review by the appropriate standing committees. The commission may periodically update the plan. Proposed changes of the plan shall be submitted to the chief clerk of the house and secretary of the senate for transmittal to

and review by the appropriate standing committees. This submittal of proposed changes shall occur at least fourteen days before final adoption of the changes by the commission.

The commission shall adopt rules designed to result in the use of bond proceeds in a manner consistent with the plan. These rules shall be adopted and in full force and effect by February 1, 1984. The commission may periodically update its rules.

The commission is not required to adopt a plan or rules for the use of the proceeds of bonds issued prior to February, 1984. This section is designed to deal only with the use of bond proceeds and nothing in this section shall be construed as a limitation on the commission's authority to issue bonds.

NEW SECTION. Sec. 8. GENERAL POWERS. In addition to other powers and duties specified in this chapter, the commission may:

(1) Establish in resolutions relating to any issuance of bonds, or in any financing documents relating to such issuance, such standards and requirements applicable to the purchase of mortgages and mortgage loans or the making of loans to mortgage lenders as the commission deems necessary or desirable, including but not limited to: (a) The time within which mortgage lenders must make commitments and disbursements for mortgages or mortgage loans; (b) the location and other characteristics of single-family housing or multifamily housing to be financed by mortgages and mortgage loans; (c) the terms and conditions of mortgages and mortgage loans to be acquired; (d) the amounts and types of insurance coverage required on mortgages, mortgage loans, and bonds; (e) the representations and warranties of mortgage lenders confirming compliance with such standards and requirements; (f) restrictions as to interest rate and other terms of mortgages or mortgage loans or the return realized therefrom by mortgage lenders; (g) the type and amount of collateral security to be provided to assure repayment of any loans from the commission and to assure repayment of bonds; and (h) any other matters related to the purchase of mortgages or mortgage loans or the making of loans to lending institutions as shall be deemed relevant by the commission;

(2) Sue and be sued in its own name;

(3) Make and execute contracts and all other instruments necessary or convenient for the exercise of its purposes or powers, including but not limited to contracts or agreements for the origination, servicing, and administration of mortgages or mortgage loans, and the borrowing of money;

(4) Procure such insurance, including but not limited to insurance: (a) Against any loss in connection with its property and other assets, including but not limited to mortgages or mortgage loans, in such amounts and from such insurers as the commission deems desirable, and (b) to indemnify members of the commission for acts done in the course of their duties;

(5) Provide for the investment of any funds, including funds held in reserve, not required for immediate disbursement, and provide for the selection of investments;

(6) Fix, revise, and collect fees and charges in connection with the investigation and financing of housing or in connection with assignments, contracts, purchases of mortgages or mortgage loans, or any other actions permitted under this chapter or by the commission; and receive grants and contributions;

(7) Make such expenditures as are appropriate for paying the administrative costs of the commission and for carrying out the provisions of this chapter. These expenditures may be made only from funds consisting of the commission's receipts from fees and charges, grants and contributions, the proceeds of bonds issued by the commission, and other revenues; these expenditures shall not be made from funds of the state of Washington;

(8) Establish such special funds, and controls on deposits to and disbursements from them, as it finds convenient for the implementation of this chapter;

(9) Conduct such investigations and feasibility studies as it deems appropriate;

(10) Proceed with foreclosure actions or accept deeds in lieu of foreclosure together with the assignments of leases and rentals incidental thereto. Any properties acquired by the commission through such actions shall be sold as soon as practicable through persons licensed under chapter 18.85 RCW or at public auction, or by transfer to a public agency. In preparation for the disposition of the properties, the commission may own, lease, clear, construct, reconstruct, rehabilitate, repair, maintain, manage, operate, assign, or encumber the properties;

(11) Take assignments of leases and rentals;

(12) Subject to any provisions of the commission's contracts with the holders of obligations of the commission, consent to any modification with respect to rate of interest, time, and payment of any installment of principal or interest or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract, or agreement of any kind;

(13) Subject to provisions of the commission's contracts with the holders of bonds, permit the reduction of rental or carrying charges to persons unable to pay the regular rent or schedule of charges if, by reason of other income of the commission or by reason of payment by any department, agency, or instrumentality of the United States or of this state, the reduction can be made without jeopardizing the economic stability of the housing being financed;

(14) Sell, at public or private sale, with or without public bidding, any mortgage, mortgage loan, or other instrument or asset held by the commission;

(15) Employ, contract with, or engage engineers, architects, attorneys, financial advisors, bond underwriters, mortgage lenders, mortgage administrators, housing construction or financing experts, other technical or professional assistants, and such other personnel as are necessary. The commission may delegate to the appropriate persons the power to execute legal instruments on its behalf;

(16) Receive contributions or grants from any source unless otherwise prohibited;

(17) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(18) Exercise any other power reasonably required to implement the purposes of this chapter.

**NEW SECTION.** Sec. 9. (1) The commission shall adopt written policies to provide for the selection of bond counsel. The policies shall provide for the creation and maintenance of a roster of attorneys whom the commission believes possess the requisite special expertise and professional standing to provide bond counsel opinions which would be accepted by the underwriters, bondholders, and other members of the financial community, and which would be in furtherance of the public interest in obtaining the lowest possible interest rates on the bonds issued by the commission. Any attorney may apply to have his or her name placed on the roster, but may not be placed on the roster unless the attorney demonstrates to the commission's satisfaction that the attorney would issue the kind of opinions required by this section.

(2) Prior to selecting an attorney or attorneys to provide bond counsel services, the commission shall provide all attorneys on the roster with a notice of its intentions to select bond counsel and shall invite each of them to submit to the commission his or her fee schedule for providing bond counsel services. The commission shall have wide discretion in selecting the attorney or attorneys it considers to be most appropriate to provide the services, but in the exercise of this discretion the commission shall consider all submitted fee schedules and the public interest in achieving both savings in bond counsel fees and issuance of bonds on terms most favorable to the commission. At least once every two calendar years, the commission shall select anew an attorney or attorneys to serve as bond counsel. However, the commission may retain an attorney for longer than two years when necessary to complete work on a particular bond issue. An attorney previously retained may be selected again but only after the commission has provided other attorneys on the roster with an opportunity to be selected and has made the fee schedule review required under this subsection. In addition to or as an alternative to retaining counsel for a period of time, the commission may appoint an attorney to serve as counsel in respect to only a particular bond issue.

NEW SECTION. Sec. 10. (1) The commission shall adopt written policies to provide for the selection of underwriters. The policies shall provide for the creation of a roster of underwriters whom the commission believes possess the requisite special expertise and professional standing to provide bond marketing services which would be accepted by bondholders and other members of the financial community, and which would be in furtherance of the public interest in marketing the commission's bonds at the lowest possible costs. Any underwriter may apply to have its name placed on the roster, but may not be placed on the roster unless it demonstrates to the commission's satisfaction that it meets the requirements of this section.

(2) Whenever the commission decides that it needs the services of an underwriter, it shall provide all underwriters on the roster with a notice of its intentions and shall invite each of them to submit to the commission an itemization of its fees and other charges for providing underwriting services on the issue. The itemization shall be by categories designed by the commission. The commission shall have wide discretion in selecting the underwriter it considers to be most appropriate to provide the services, but in the exercise of this discretion the commission shall consider the underwriter's fees and other charges and the public interest in achieving both savings in the total costs of underwriting services and issuance of bonds on terms most favorable to the commission.

NEW SECTION. Sec. 11. The commission shall submit the initial policies adopted under section 9 and section 10 of this act to the chief clerk of the house and the secretary of the senate for transmittal to and review by the appropriate standing committees and the joint administrative rules review committee. By January 1, 1984 the commission shall have adopted policies in the form of rules and regulations under chapter 34.04 RCW. Such rules and regulations may only be changed or revised in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 12. The legislature recognizes that the demand for mortgage loans for nonrental single family housing will probably greatly exceed the supply of bond proceeds available to satisfy the demand. Therefore, the commission shall adopt rules providing procedures to assure that the bond proceeds available for that kind of housing shall be made available to qualified mortgagors in a fair and equitable manner.

NEW SECTION. Sec. 13. The commission is encouraged to adopt policies which will assure that bondholders will be protected against the failure to make mortgage payments financed under this chapter. Such policies may require, among other things, mortgage insurance.

NEW SECTION. Sec. 14. **RULES FOR ENERGY EFFICIENCY.** The commission shall adopt rules providing for financing assistance to implement cost-effective energy efficiency improvements.

NEW SECTION. Sec. 15. BOND ISSUES—TERMS—ISSUANCE—PURCHASE, ETC. (1) The commission's bonds shall bear such date or dates, mature at such time or times, be in such denominations, be in such form, be registered or registerable in such manner, be made transferable, exchangeable, and interchangeable, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, bear such fixed or variable rate or rates of interest, be payable at such time or times, and be sold in such manner and at such price or prices, as the commission determines. The bonds shall be executed by the chair, by either its duly elected secretary or its treasurer, and by the trustee or paying agent if the commission determines to use a trustee or paying agent for the bonds. Execution of the bonds may be by manual or facsimile signature.

(2) The bonds of the commission shall be subject to such terms, conditions, covenants, and protective provisions as are found necessary or desirable by the commission, including, but not limited to, pledges of the commission's assets, setting aside of reserves, limitations on additional forms of indebtedness, and the mortgaging of all or any part of the commission's real or personal property, then owned or thereafter acquired, and other provisions the commission finds are necessary or desirable for the security of bond holders.

(3) Any security interest created in the unexpended bond proceeds and in the special funds created by the commission shall be immediately valid and binding against such moneys and any securities in which such moneys may be invested without commission or trustee possession thereof, and the security interest shall be prior to any party having any competing claim in such moneys or securities, without filing or recording pursuant to chapter 62A.9 RCW and regardless of whether the party has notice of the security interest.

(4) When issuing bonds, the commission may provide for the future issuance of additional bonds or parity debt on a parity with outstanding bonds, and the terms and conditions of their issuance. The commission may refund or advance refund any bond of the commission in accordance with chapter 39.53 RCW or issue bonds with a subordinate lien against the fund or funds securing outstanding bonds.

(5) The chair of the state finance committee or the chair's designee shall be notified in advance of the issuance of bonds by the commission in order to promote the orderly offering of obligations in the financial markets.

(6) The members of the commission and any person executing the bonds are not liable personally on the indebtedness or subject to any personal liability or accountability by reason of the issuance thereof.

(7) The commission may, out of any fund available therefor, purchase its bonds in the open market.

NEW SECTION. Sec. 16. DEBT LIMITATION. The total amount of outstanding indebtedness of the commission may not exceed one billion dollars at any time.

NEW SECTION. Sec. 17. BOND ISSUES—DISPOSITION OF PROCEEDS—SPECIAL FUND. Proceeds from the sale of all bonds issued under this chapter received by the commission shall be deposited forthwith by the commission in any trust company, savings bank, savings and loan association, or bank having the powers of a trust company within or without the state, in a special fund or funds established for the particular purposes for which the bonds were issued and sold, which money shall not be funds of the state of Washington. Such fund or funds shall at all times be segregated and set apart from all other funds and held in trust for the purposes for which such bonds were issued as determined by the commission. Money other than bond sale proceeds received by the commission for these same purposes, such as private contributions or grants from the federal government, may be deposited in such fund or funds. Proceeds received from the sale of the bonds may also be used to defray the expenses of the commission in connection with and incidental to the issuance and sale of bonds, as well as expenses for studies, surveys, estimates, plans, inspections, and examinations of or incidental to the purposes for which the bonds were issued, and other costs advanced therefor by third parties or by the commission. In lieu of the commission receiving and handling these moneys in the manner outlined in this section, the commission may appoint trustees, depositaries, paying agents, and other financial institutions within or without the state to perform the functions outlined and to receive, hold, disburse, invest, and reinvest such funds on its behalf and for the protection of the bondholders.

NEW SECTION. Sec. 18. BOND ISSUES—SPECIAL TRUST FUND—PAYMENTS—STATUS—ADMINISTRATION OF FUND. All revenues received by the commission including funds received from contributions or grants or in any other form to pay principal of and interest on bonds or for other bond requirements such as reserves shall be deposited by the commission in any trust company, savings bank, savings and loan association, or bank having the powers of a trust company within or without the state, to the credit of a special trust fund or funds. The commission may establish a bond fund or funds, and a reserve, sinking fund and other accounts therein, for payment of principal and interest and for other special requirements of the bonds as determined by the commission. In lieu of the commission receiving and handling these moneys as outlined in this section, the commission may appoint trustees, depositaries, paying agents, and other financial institutions to perform the functions outlined and to receive, hold, disburse, invest, and reinvest such funds on its behalf and for the protection of the bondholders. Such revenues and funds, whether received and held by the commission or by others on its behalf, shall not be or



constitute public funds of the state of Washington but at all times shall be kept segregated and apart from all other funds.

NEW SECTION. Sec. 19. LEGAL INVESTMENTS. Bonds issued under this chapter are hereby made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies in their commercial departments, savings banks, cooperative banks, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in obligations of the state may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivisions of the state for any purpose for which the deposit of bonds and other obligations of the state are now or may hereafter be authorized by law.

NEW SECTION. Sec. 20. INTERNAL REVENUE CODE. For purposes of the code:

(1) The legislature reserves the right at any time to alter or change the structure, organization, programs, or activities of the commission and to terminate the commission, so long as the action does not impair any outstanding contracts entered into by the commission;

(2) Any net earnings of the commission beyond that necessary to retire its bonds and to carry out the purposes of this chapter shall not inure to the benefit of any person other than the state;

(3) Upon dissolution of the commission, title to all of its remaining property shall vest in the state;

(4) The commission constitutes the only housing finance agency of the state of Washington; and

(5) In order to take advantage of the maximum amount of tax exempt bonds for housing financing available pursuant to the code, the state ceiling for each of the calendar years 1983 and 1984 shall be allocated in accordance with the following formula:

(a) Eighty percent of the state ceiling shall be allocated to the commission and twenty percent shall be allocated to the other issuing authorities in the state.

(b) The allocation to the issuing authorities other than the commission shall be distributed to such issuing authorities in amounts as determined following public notice by the planning and community affairs agency, or its successor, pursuant to rules promulgated by it. The distribution shall be in response to applications received from such issuing authorities and shall be based on the following factors: (i) The amount of housing to be made available by such applicant; (ii) the population within the jurisdiction of the applicant; (iii) coordination with other applicable federal and state housing programs; (iv) the likelihood of implementing the proposed financing during

that year; and (v) consistency with the plan of the commission. On or before February 1 of each year, the planning and community affairs agency shall distribute the state ceiling allocation among such issuing authorities and any unused portion shall be added to the allocation of the commission. However, for calendar year 1983, the distribution shall be made on or before September 1, 1983. After 1983 each issuing authority other than the commission shall confirm its allocation distribution by providing to the planning and community affairs agency no later than June 1 a copy of an executed bond purchase contract or alternative documentation deemed sufficient by the commission to evidence the reasonable likelihood of the allocation distribution being fully used. Any portion of such allocation not so confirmed shall be added to the allocation of the commission on July 1. Prior to July 1, the commission shall provide written notice of the allocation decrease to the affected issuing authority. The reallocation shall not limit the authority of the commission to assign a portion of its allocation pursuant to subsection (5)(c) of this section.

(c) The commission may assign a portion of its allocation to another issuing agency.

(d) For calendar year 1983, the allocations to issuing authorities, other than the commission, shall include bonds issued by the authorities during the first six months of 1983. However, the planning and community affairs agency, or its successor, shall adopt rules to ensure that the total amount of bonds issued by the authorities during the six-month period does not exceed their twenty percent share and that the total amount of bonds issued by any single issuing authority during such period does not exceed twenty-five million dollars.

NEW SECTION. Sec. 21. If any part of this chapter is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 22. ANNUAL FISCAL AUDIT. The commission shall select an accounting firm to perform an annual fiscal audit. The audit shall be performed by an independent certified public accountant in accordance with generally accepted auditing standards. The results of the audit shall be made available to the governor and the legislature.

NEW SECTION. Sec. 23. CONSTRUCTION. This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

NEW SECTION. Sec. 24. CAPTIONS NOT PART OF LAW. As used in this chapter and sections 24 and 25 of this act, section captions constitute no part of the law.

NEW SECTION. Sec. 25. There is added to chapter 82.04 RCW a new section to read as follows:

**BUSINESS AND OCCUPATION TAX EXEMPTION.** This chapter does not apply to income received by the state housing finance commission under chapter 43.\_\_\_\_ RCW (sections 1 through 23 of this act).

NEW SECTION. Sec. 26. There is added to chapter 84.36 RCW a new section to read as follows:

**PROPERTY TAX EXEMPTION.** The real and personal property of the state housing finance commission established by chapter 43.\_\_\_\_ RCW (sections 1 through 23 of this act) are exempt from taxation.

Sec. 27. Section 9, chapter 10, Laws of 1982 and RCW 42.17.240 are each amended to read as follows:

(1) Every elected official (except president, vice president, and precinct committeemen), every chief executive state officer as specified in RCW 43.17.020, as now or hereafter amended, the chief administrative law judge, the director of financial management, the director of personnel, the director of the planning and community affairs agency, the director of the state system of community colleges, the executive director of the data processing authority, the executive secretary of the forest practice appeals board, the director of the gambling commission, the director of the higher education personnel board, the secretary of transportation, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the administrator of the interagency committee for outdoor recreation, the director of parks and recreation, the executive secretary of the board of prison terms and paroles, the administrator of the public disclosure commission, the director of retirement systems, the secretary of the utilities and transportation commission, the executive secretary of the board of tax appeals, the secretary of the state finance committee, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college, each professional staff member of the office of the governor, each professional staff member of the legislature, and each member of the state board for community college education, data processing authority, forest practices board, forest practices appeals board, gambling commission, game commission, higher education personnel board, transportation commission, horse racing commission, human rights commission, board of industrial insurance appeals, liquor control board, interagency committee for outdoor recreation, parks and recreation commission, personnel board, personnel appeals board, board of prison terms and paroles, public disclosure commission, public employees' retirement system board, public

pension commission, University of Washington board of regents, Washington State University board of regents, board of tax appeals, teachers' retirement system board of trustees, Central Washington University board of trustees, Eastern Washington University board of trustees, The Evergreen State College board of trustees, Western Washington University board of trustees, board of trustees of each community college, state housing finance commission, and the utilities and transportation commission, shall after January 1st and before April 15th of each year for the preceding calendar year; and every candidate, and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president, and precinct committeeman) shall, within two weeks of becoming a candidate or being appointed to such elective office, and every person appointed to the appointive positions enumerated herein shall, within two weeks of being so appointed, for the preceding twelve months; file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family: PROVIDED, That no individual shall be required to file more than once in any calendar year: PROVIDED HOWEVER, That a statement of a candidate or appointee filed during the period January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of such statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year:

(a) Occupation, name of employer, and business address; and

(b) Each bank or savings account or insurance policy in which any such person or persons owned a direct financial interest which exceeded five thousand dollars at any time during such period; each other item of intangible personal property in which any such person or persons owned a direct financial interest, the value of which exceeded five hundred dollars during such period; and the name, address, nature of entity, nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom any legislation, or any rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation: PROVIDED, That for the purposes of this subsection, "compensation"

shall not include payments made to the person reporting by the governmental entity for which such person serves as an elected or appointed public officer or professional staff member for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With respect to a governmental unit in which the official holds any office or position, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation; (ii) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation: PROVIDED, That the term "compensation" for purposes of this subsection (1)(g)(ii) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service: PROVIDED, FURTHER, That with respect to any bank or commercial lending institution in which is held any such office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of such bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by such bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in

which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report; and

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(l) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

Sec. 28. Section 4, chapter 95, Laws of 1895 as last amended by section 1, chapter 167, Laws of 1979 ex. sess. 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 director of financial management 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 director of financial management a duly certified copy of such judgment; the director of financial management shall thereupon audit the amount of damages and costs therein awarded, and the same shall be paid from appropriations specifically provided for such purposes by law.

(4) On and after September 21, 1977, 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 director of financial management who shall retain the same as a record. All claims of five hundred dollars or less shall be approved or rejected by the director of financial management and if approved shall be paid from appropriations specifically provided for such purpose by law. Such decision, if adverse to the claimant in whole or part, shall not preclude claimant from seeking relief from the legislature: PROVIDED, That if the claimant accepts any part of his or her claim which is approved for payment by the director, such acceptance shall constitute a waiver and release of the state from any further claims relating to the damage or injury asserted in the claim so accepted. The director shall submit to the senate committee on ways and means and to the house committee on appropriations, at the beginning of each regular session, a comprehensive list of all claims paid pursuant to this subsection during the preceding two years. For all claims over five hundred dollars, the director of financial management 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.

(5) Subsections (3) and (4) of this section do not apply to judgments or claims against the state housing finance commission created under chapter 43.— RCW (sections 1 through 23 of this 1983 act).

NEW SECTION. Sec. 29. There is added to chapter 43.21C RCW a new section to read as follows:

This chapter does not apply to the development or adoption of the plan required to be developed and adopted under chapter 43.\_\_\_\_ RCW (sections 1 through 23 of this act).

NEW SECTION. Sec. 30. Sections 1 through 23 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 31. 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. 32. (1) Except as provided in subsection (2) of this section, 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.

(2) Section 10 of this act shall take effect on January 1, 1984.

Passed the Senate April 23, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 11, 1983.

Filed in Office of Secretary of State May 11, 1983.

## CHAPTER 162

[Substitute House Bill No. 888]

### SENTENCE REDUCTION—VIOLENT OFFENDERS EXCLUDED— SENTENCING GUIDELINES

AN ACT Relating to criminal sentencing; and amending section 2, chapter 228, Laws of 1982 and RCW 9.95.390.

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

Sec. 1. Section 2, chapter 228, Laws of 1982 and RCW 9.95.390 are each amended to read as follows:

(1) To assist in reducing the overcrowding conditions in this state's maximum and medium security prisons, the board of prison terms and paroles, in performance of its duties under chapter 9.95 RCW shall reduce the inmate population by implementation of the program adopted under subsection (2) of this section: **PROVIDED**, That certification, in writing, by the governor and concurrence of the secretary of the department of corrections that reductions to reduce prison overcrowding are necessary, shall precede any action by the board. The reductions shall not apply to inmates serving mandatory minimum prison terms under RCW 9.95.040, and may not be made for an inmate confined for treason, any ((~~class A felony~~)) violent offense as defined by RCW 9.94A.030, or an inmate who has been found to be a sexual psychopath under chapter 71.06 RCW.

(2) The board of prison terms and paroles shall adopt, within ninety days of April 3, 1982, guidelines for the reductions of the inmate population. These guidelines shall be applied to all inmates except those with mandatory minimums under RCW 9.95.040 or those confined for a ((~~class A felony~~)) violent offense as defined by RCW 9.94A.030.

(3) In establishing these guidelines, the board shall give priority to sentence reductions for inmates incarcerated for nonviolent offenses, inmates who are within six months of a scheduled parole, and inmates with the best records of conduct during confinement.



(4) In adopting this program, the board shall consider the public safety, the detrimental effect of overcrowding upon inmate rehabilitation, and the best allocation of limited correctional facility resources.

(5) The rules adopted according to the provisions of RCW 9.95.390 shall not be implemented until the rules are submitted to the senate (~~((social and health services))~~) institutions and the house (~~((institutions committee[s]))~~) judiciary committees for their consideration and review.

(6) This section does not require the board to reduce the inmate population to or below any certain number.

(7) In addition to the sentence reduction guidelines adopted pursuant to this section, the board may adopt guidelines for the initial setting of sentences of persons committed to the custody of the department of corrections that reflect the need to prevent overcrowding. The additional guidelines shall apply only to those persons eligible for sentence reduction under this section.

Passed the House March 30, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 11, 1983.

Filed in Office of Secretary of State May 11, 1983.

## CHAPTER 163

[Engrossed Senate Bill No. 3416]

### VIOLENT OFFENSE CATEGORY EXPANDED—EXCEPTIONAL SENTENCES FOR CERTAIN FELONIES—DEADLY WEAPON SPECIAL VERDICT— SENTENCING GUIDELINES—REPORT ON SENTENCING REFORM ACT

AN ACT Relating to crimes and punishments; amending section 3, chapter 137, Laws of 1981 as amended by section 1, chapter 192, Laws of 1982 and RCW 9.94A.030; amending section 12, chapter 137, Laws of 1981 as amended by section 4, chapter 192, Laws of 1982 and RCW 9.94A.120; amending section 16, chapter 137, Laws of 1981 and RCW 9.94A.160; adding new sections to chapter 9.94A RCW; and providing an effective date.

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

Sec. 1. Section 3, chapter 137, Laws of 1981 as amended by section 1, chapter 192, Laws of 1982 and RCW 9.94A.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the sentencing guidelines commission.

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(3) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).

(4) "Confinement" means total or partial confinement as defined in this section.

(5) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW.

(6) "Crime-related prohibition" means an order of a court prohibiting conduct which directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(7)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" includes a defendant's convictions or pleas of guilty in juvenile court if: (i) The guilty plea or conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); and (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) the defendant was twenty-three years of age or less at the time the offense for which he or she is being sentenced was committed.

(8) "Department" means the department of corrections.

(9) "Determinate sentence" means a sentence which states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(10) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(11) "First-time offender" means any person convicted of a felony not classified as a violent offense under this chapter, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(12) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(13) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the

state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

(14) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(15) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(16) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(17) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, ~~((and))~~ robbery in the second degree, and negligent homicide;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a violent offense in subsection (17)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a violent offense under subsection (17)(a) or (b) of this section.

Sec. 2. Section 12, chapter 137, Laws of 1981 as amended by section 4, chapter 192, Laws of 1982 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) and (5) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that ~~((imposition of a sentence within the standard range would impose an excessive punishment on the defendant or would pose an unacceptable threat to community safety))~~ there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the probation officer of any change in the offender's address or employment;
- (e) Report as directed to the court and a probation officer; or
- (f) Pay a fine, make restitution, and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds that the sentence otherwise authorized by this subsection would pose an unacceptable threat to community safety.

(7) If the court imposes a sentence requiring confinement of sixty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than sixty days of confinement shall be served on consecutive days.

(8) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution

shall be paid. No such period of time may exceed ten years subsequent to the entering of the judgment of conviction.

(9) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in RCW 9A.20.020.

(10) A departure from the standards governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

NEW SECTION. Sec. 3. There is added to chapter 9.94A RCW a new section to read as follows:

In a criminal case wherein there has been a special allegation and evidence establishing that the accused or an accomplice was armed with a deadly weapon at the time of the commission of the crime, the court shall make a finding of fact of whether or not the accused or an accomplice was armed with a deadly weapon at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it find the defendant guilty, also find a special verdict as to whether or not the defendant or an accomplice was armed with a deadly weapon at the time of the commission of the crime.

For purposes of this section, a deadly weapon is an implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death. The following instruments are included in the term deadly weapon: Blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.

Sec. 4. Section 16, chapter 137, Laws of 1981 and RCW 9.94A.160 are each amended to read as follows:

If the governor finds that an emergency exists in that the population of a state residential correctional facility exceeds its reasonable, maximum capacity, then the governor may do any one or more of the following:

(1) Call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating ~~((its))~~ the standard ranges and other standards. The commission may adopt any revision or amendment to ~~((its))~~ the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.04 RCW ~~((, as now existing or hereafter amended;))~~ and shall take effect on the date prescribed by the commission. ~~((Unless the commission provides to the contrary, RCW 9.94A.070 does not apply to such revision or amendments))~~ The legislature shall approve or

modify the commission's revision or amendment at the next legislative session after the revision or amendment takes effect. Failure of the legislature to act shall be deemed as approval of the revision or amendment;

(2) If the emergency occurs prior to July 1, 1988, call the board of prison terms and paroles into an emergency meeting for the purpose of evaluating its guidelines and procedures for release of prisoners. The board may take any action authorized by law to modify the terms of prisoners under its jurisdiction;

(3) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency.

NEW SECTION. Sec. 5. There is added to chapter 9.94A RCW a new section to read as follows:

The commission shall conduct an analysis of the anticipated effects of the guidelines adopted in chapter ... (SB 3414), Laws of 1983, on a representative sample of counties. This analysis shall include, but not be limited to, an estimate of the impact on jail population and availability of alternatives in the community. The analysis required by this section shall be filed at the beginning of the 1984 legislative session.

NEW SECTION. Sec. 6. The legislative budget committee shall prepare a report to be filed at the beginning of the 1987 session of the legislature. The report shall include a complete assessment of the impact of the Sentencing Reform Act of 1981. Such report shall include the effectiveness of the guidelines and impact on prison and jail populations and community correction programs.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act shall take effect on July 1, 1984.

Passed the Senate April 23, 1983.

Passed the House April 11, 1983.

Approved by the Governor May 11, 1983.

Filed in Office of Secretary of State May 11, 1983.

## CHAPTER 164

[Engrossed Senate Bill No. 3106]

### DRUNK DRIVING—VEHICULAR HOMICIDE—VEHICULAR ASSAULT

AN ACT Relating to driving while intoxicated; amending section 3, chapter 137, Laws of 1981, as last amended by section 1, chapter \_\_\_ (ESB 3416), Laws of 1983 and RCW 9.94A.030; amending section 24, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.285; amending section 1, chapter 5, Laws of 1973 as amended by section 13, chapter 61, Laws of 1979 and RCW 46.20.391; amending section 1, chapter 120, Laws of 1963 and RCW 46.21.010; amending section 46.56.040, chapter 12, Laws of 1961 as last amended by section 3, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.520; amending section 12, chapter 10, Laws of 1982 and RCW 46.63.020; amending section 4, chapter 284, Laws of 1971 ex. sess. as last amended by section 1, chapter 188, Laws of 1981 and RCW

46.65.020; amending section 46.72.100, chapter 12, Laws of 1961 as amended by section 86, chapter 32, Laws of 1967 and RCW 46.72.100; adding a new section to chapter 46.61 RCW; and prescribing penalties.

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

Sec. 1. Section 46.56.040, chapter 12, Laws of 1961 as last amended by section 3, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.520 are each amended to read as follows:

(1) When the death of any person (~~shall~~) ensues within three years as a proximate result of injury (~~received~~) proximately caused) by the driving of any vehicle by any person while under the influence of (~~or affected by~~) intoxicating liquor or (~~drugs~~) any drug, as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle (~~shall be~~) is guilty of (~~negligent~~) vehicular homicide (~~by means of a motor vehicle~~)).

(2) (~~Any person convicted of negligent homicide by means of a motor vehicle shall be punished by imprisonment in the state penitentiary for not more than ten years, or by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars, or by both fine and imprisonment~~) Vehicular homicide is a class B felony punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 2. There is added to chapter 46.61 RCW a new section to read as follows:

(1) A person is guilty of vehicular assault if he operates or drives any vehicle:

(a) In a reckless manner, and this conduct is the proximate cause of serious bodily injury to another; or

(b) While under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, and this conduct is the proximate cause of serious bodily injury to another.

(2) "Serious bodily injury" means bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.

(3) Vehicular assault is a class C felony punishable under chapter 9A.20 RCW.

*\*Sec. 3. Section 24, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.285 are each amended to read as follows:*

*The department shall forthwith revoke the license of any driver upon receiving a record of (~~such~~) the driver's conviction of any of the following offenses, when (~~such~~) the conviction has become final:*

*(1) (~~Manslaughter (or negligent)~~) Vehicular homicide(~~)~~) or vehicular assault resulting from the operation of a motor vehicle,*

*(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which*

*renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the third such conviction ((of such)) for the driver within a period of five years,*

*(3) Any felony in the commission of which a motor vehicle is used;*

*(4) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;*

*(5) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;*

*(6) Reckless driving upon a showing by the department's records that the conviction is the third such conviction ((of such)) for the driver within a period of two years.*

\*Sec. 3. was vetoed, see message at end of chapter.

Sec. 4. Section 1, chapter 5, Laws of 1973 as amended by section 13, chapter 61, Laws of 1979 and RCW 46.20.391 are each amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than ((negligent)) vehicular homicide or vehicular assault, may petition the court for a stay of the effect of the mandatory suspension or revocation for the purpose of submitting to the department an application for an occupational driver's license. The court upon determining that the petitioner is engaged in an occupation or trade which makes it essential that the petitioner operate a motor vehicle may stay the effect of the mandatory suspension or revocation, notwithstanding RCW 46.20.270, for a period of not more than thirty days and may set definite restrictions as to hours of the day which may not exceed twelve hours in any one day, days of the week, type of occupation, and areas or routes of travel permitted under the occupational driver's license.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present conviction the applicant has not been convicted more than once of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under section 2 of this act; and

(c) The applicant is engaged in an occupation or trade which makes it essential that he or she operate a motor vehicle; and



~~((c))~~ (d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The department, upon receipt of an application and the prescribed fee, may issue an occupational driver's license to any person eligible under this section for a period of not more than one year which permits the operation of a motor vehicle only within the limits established by the court and only when the operation is essential to the licensee's occupation or trade.

(4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense which pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. ~~((Such))~~ The cancellation ~~((shall be))~~ is effective as of the date of ~~((such))~~ the conviction, and ~~((shall))~~ continues with the same force and effect as any suspension or revocation under this title.

Sec. 5. Section 1, chapter 120, Laws of 1963 and RCW 46.21.010 are each amended to read as follows:

The driver license compact prepared pursuant to resolutions of the western governors' conference and the western interstate committee on highway policy problems of the council of state governments is hereby entered into and enacted into law, the terms and provisions of which shall be as follows:

## DRIVER LICENSE COMPACT

### ARTICLE I—Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the over-all compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by

reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

#### ARTICLE II—Definitions

As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

#### ARTICLE III—Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

#### ARTICLE IV—Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) ~~((Manslaughter or negligent))~~ Vehicular homicide ~~((resulting from the operation of a motor vehicle))~~;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and

identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

#### ARTICLE V—Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

#### ARTICLE VI—Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a non-party state.

#### ARTICLE VII—Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

## ARTICLE VIII—Entry into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

## ARTICLE IX—Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party 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 party thereto, 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. 6. Section 12, chapter 10, Laws of 1982 and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration;
- (6) RCW 46.16.160 relating to vehicle trip permits;

- (7) RCW 46.20.021 relating to driving without a valid driver's license;
- (8) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (9) RCW 46.20.342 relating to driving with a suspended or revoked license;
- (10) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (11) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (12) Chapter 46.29 RCW relating to financial responsibility;
- (13) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (14) RCW 46.48.175 relating to the transportation of dangerous articles;
- (15) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (16) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (17) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (18) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (19) RCW 46.52.108 relating to disposal of abandoned vehicles or hulks;
- (20) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;
- (21) RCW 46.52.210 relating to abandoned vehicles or hulks;
- (22) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- (23) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (24) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (25) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (26) RCW 46.61.500 relating to reckless driving;
- (27) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (28) RCW 46.61.520 relating to ~~((negligent))~~ vehicular homicide by motor vehicle;
- (29) Section 2 of this act relating to vehicular assault;
- (30) RCW 46.61.525 relating to negligent driving;
- ~~((30))~~ (31) RCW 46.61.530 relating to racing of vehicles on highways;

~~((31))~~ (32) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((32))~~ (33) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((33))~~ (34) RCW 46.64.020 relating to nonappearance after a written promise;

~~((34))~~ (35) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((35))~~ (36) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((36))~~ (37) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((37))~~ (38) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((38))~~ (39) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((39))~~ (40) Chapter 46.82 RCW relating to driver's training schools.

Sec. 7. Section 4, chapter 284, Laws of 1971 ex. sess. as last amended by section 1, chapter 188, Laws of 1981 and RCW 46.65.020 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context, an habitual offender ~~((shall))~~ means any person, resident or nonresident, who has accumulated convictions or findings that the person committed a traffic infraction as defined in RCW 46.20.270 ~~((as now or hereafter amended))~~, or, if a minor, ~~((shall have))~~ has violations recorded with the department of licensing, for separate and distinct offenses as described in either subsection (1) or (2) below committed within a five-year period, as evidenced by the records maintained in the department of licensing: PROVIDED, That where more than one described offense ~~((shall be))~~ is committed within a six-hour period such multiple offenses shall, on the first such occasion, be treated as one offense for the purposes of this chapter:

(1) Three or more convictions, singularly or in combination, of the following offenses:

(a) ~~((Negligent))~~ Vehicular homicide as defined in RCW 46.61.520;

(b) Vehicular assault as defined in section 2 of this act;

(c) Driving or operating a motor vehicle while under the influence of intoxicants or drugs;

~~((c))~~ (d) Driving a motor vehicle while his or her license, permit, or privilege to drive has been suspended or revoked;

~~((d))~~ (e) Failure of the driver of any vehicle involved in an accident resulting in the injury or death of any person or damage to any vehicle which is driven or attended by any person to immediately stop such vehicle at the scene of such accident or as close thereto as possible and to forthwith return to and in every event remain at, the scene of such accident until he

has fulfilled the requirements of RCW 46.52.020 (~~as now or hereafter amended~~);

~~((e))~~ (f) Reckless driving as defined in RCW 46.61.500 (~~as now or hereafter amended~~);

~~((f))~~ (g) Being in physical control of a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.504; or

~~((g))~~ (h) Attempting to elude a pursuing police vehicle as defined in RCW 46.61.024;

(2) Twenty or more convictions or findings that the person committed a traffic infraction for separate and distinct offenses, singularly or in combination, in the operation of a motor vehicle (~~which~~) that are required to be reported to the department of licensing other than the offenses of driving with an expired driver's license and not having a driver's license in the operator's immediate possession. Such convictions or findings shall include those for offenses enumerated in subsection (1) (~~above~~) of this section when taken with and added to those offenses described herein but shall not include convictions or findings for any nonmoving violation. No person may be considered an habitual offender under this subsection unless at least three convictions have occurred within the three hundred sixty-five days immediately preceding the last conviction.

The offenses included in subsections (1) and (2) (~~hereof shall be~~) of this section are deemed to include offenses under any valid town, city, or county ordinance substantially conforming to the provisions cited in (~~said~~) subsections (1) and (2) or amendments thereto, and any federal law, or any law of another state, including subdivisions thereof, substantially conforming to the aforesaid state statutory provisions.

Sec. 8. Section 46.72.100, chapter 12, Laws of 1961 as amended by section 86, chapter 32, Laws of 1967 and RCW 46.72.100 are each amended to read as follows:

The director may refuse to issue a permit or certificate, or he may suspend or revoke a permit or certificate if he has good reason to believe that one of the following is true of the operator or the applicant for a permit or certificate: (1) He has been convicted of an offense of such a nature as to indicate that he is unfit to hold a certificate or permit; (2) he is guilty of committing two or more offenses for which mandatory revocation of driver's license is provided by law; (3) he has been convicted of (~~manslaughter resulting from the operation of a motor vehicle or convicted of negligent~~) vehicular homicide or vehicular assault; (4) he is intemperate or addicted to the use of narcotics.

Notice of the director to refuse, suspend, or revoke (~~such~~) the permit or certificate shall be given by (~~registered~~) certified mail to the holder or applicant for (~~such~~) the permit or certificate and shall designate a time and place for a hearing before the director, which shall not be less than ten

days from the date of ~~((such))~~ the notice. ~~((Should))~~ If the director, after ~~((such))~~ the hearing, decides that a permit shall be canceled or revoked, he shall notify ~~((said))~~ the holder or applicant to that effect by ~~((registered))~~ certified mail. The applicant or permit holder may within thirty days from the date of the decision appeal to the superior court of Thurston county for a review of ~~((such))~~ the decision by filing a copy of ~~((said))~~ the notice with the clerk of ~~((said))~~ the superior court and a copy of ~~((such))~~ the notice in the office of the director. The court shall set the matter down for hearing with the least possible delay.

Any for hire operator ~~((as herein defined))~~ who ~~((shall))~~ operates a for hire vehicle ~~((as herein defined))~~ without first having filed a bond or insurance policy and having received a for hire permit and a for hire certificate as required by this chapter ~~((shall be))~~ is guilty of a gross misdemeanor, and upon conviction ~~((therefor))~~ shall be punished by imprisonment in jail for a period not exceeding ninety days or a fine of not exceeding five hundred dollars, or both fine and imprisonment.

Sec. 9. Section 3, chapter 137, Laws of 1981 as last amended by section 1, chapter \_\_\_ (ESB 3416), Laws of 1983 and RCW 9.94A.030 are each amended as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the sentencing guidelines commission.

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(3) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).

(4) "Confinement" means total or partial confinement as defined in this section.

(5) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW.

(6) "Crime-related prohibition" means an order of a court prohibiting conduct which directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(7)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.



(b) "Criminal history" includes a defendant's convictions or pleas of guilty in juvenile court if: (i) The guilty plea or conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); and (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) the defendant was twenty-three years of age or less at the time the offense for which he or she is being sentenced was committed.

(8) "Department" means the department of corrections.

(9) "Determinate sentence" means a sentence which states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(10) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(11) "First-time offender" means any person convicted of a felony not classified as a violent offense under this chapter, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(12) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(13) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

(14) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(15) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(16) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(17) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to

commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, ((and)) robbery in the second degree, and ((negligent)) vehicular homicide;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a violent offense in subsection (17)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a violent offense under subsection (17)(a) or (b) of this section.

Passed the Senate April 22, 1983.

Passed the House April 17, 1983.

Approved by the Governor May 11, 1983, with the exception of section 3, which is vetoed.

Filed in Office of Secretary of State May 11, 1983.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 3, Engrossed Senate Bill No. 3106, entitled:

"AN ACT Relating to driving while intoxicated."

This bill establishes the crimes of vehicular homicide and vehicular assault and provides for penalties for those crimes.

It is necessary to veto section 3 of ESB 3106 in order to avoid a double amendment to RCW 46.20.285, which was also amended in a more complete manner in section 15 of Engrossed Substitute House Bill No. 289, a bill that I will sign today.

With the exception of section 3, which I have vetoed, Engrossed Senate Bill No. 3106 is approved."

## CHAPTER 165

[Engrossed Substitute House Bill No. 289]

### DRUNK DRIVING—PROCEDURES AND PENALTIES MODIFIED

AN ACT Relating to driving while intoxicated; amending section 11, chapter 260, Laws of 1981 as amended by section 1 of this act and RCW 46.20.308; amending section 46.04.480, chapter 12, Laws of 1961 as amended by section 7, chapter 62, Laws of 1979 and RCW 46.04.480; amending section 46.04.480, chapter 12, Laws of 1961 as last amended by section 13 of this act and RCW 46.04.480; amending section 24, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.285; amending section 24, chapter 121, Laws of 1965 ex. sess. as amended by section 15 of this act and RCW 46.20.285; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 5, chapter 212, Laws of 1982 and RCW 46.20.311; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 17 of this act and RCW 46.20.311; amending section 52, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter ... (SHB 498), Laws of 1983 and RCW 46.61.515; amending section 1, chapter 5, Laws of 1973 as last amended by section 4, chapter ... (ESB 3106), Laws of 1983 and RCW 46.20.391; amending section 1, chapter 5, Laws of 1973 as last amended by section 23 of this act and RCW 46.20.391; amending section 442, chapter 249, Laws of 1909 and RCW 66.44.240;

amending section 441, chapter 249, Laws of 1909 and RCW 66.44.250; amending section 118, chapter 299, Laws of 1961 and RCW 3.66.070; amending section 2, chapter 316, Laws of 1977 ex. sess. as last amended by section 25, chapter 136, Laws of 1981 and RCW 70.48.020; amending section 16, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.180; amending section 35.21.330, chapter 7, Laws of 1965 as amended by section 19, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.190; amending section 17, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.210; amending section 12, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.120; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 43.59 RCW; adding new sections to chapter 46.20 RCW; adding new sections to chapter 46.61 RCW; adding new sections to chapter 46.68 RCW; adding new sections to chapter 70.48 RCW; creating new sections; prescribing penalties; providing an expiration date; declaring an emergency; and providing effective dates.

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

Sec. 1. Section 11, chapter 260, Laws of 1981 and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle upon the public highways of this state (~~(shall be)~~) is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. ~~((Such))~~ The officer shall inform the person of his or her right to refuse the test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test. The officer shall warn the driver that his refusal to take the test may be used against him in any subsequent criminal trial.

Unless the person to be tested is unconscious, the chemical test administered shall be of ~~((his))~~ the breath ~~((: PROVIDED, That))~~. If an individual is unconscious or is under arrest for the crime of ((negligent)) vehicular homicide ((by motor vehicle)) as provided in RCW 46.61.520 or vehicular assault as provided in section 2, chapter ... (SB 3106), Laws of 1983, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be

administered without the consent of the individual so arrested. In such circumstances, the provisions of subsections (2) through (6) of this section shall not apply.

(2) Any person who is dead, unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506.

(3) If, following his or her arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his or her breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The department of licensing, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of ~~((six months))~~ one year after the date of the alleged violation or for two years if it is the second such refusal in a five-year period, subject to review as hereinafter provided.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as ~~((hereinbefore))~~ directed in this section ~~((directed))~~, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving ~~((such))~~ the notice may, in writing and within ten days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of ~~((such))~~ the hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department

shall order that the revocation or determination that there should be a denial of issuance either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as (~~herein~~) provided in this section or during the pendency of a subsequent appeal to superior court(~~(: PROVIDED, That this stay shall be effective only)~~) so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction (~~which~~) that is a moving violation during pendency of the hearing and appeal.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege, or permit is so affected (~~shall have~~) has the right to file a petition in the superior court of the county (~~wherein~~) in which he or she resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 2. Section 11, chapter 260, Laws of 1981 as amended by section 1 of this act and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle (~~(: on the public highways of)~~) within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle (~~(upon the public highways of)~~) within this state while under the influence of intoxicating liquor. The officer shall inform the person of his or her right to refuse the test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test (~~(: The officer shall warn the driver)~~), (b) that his or her privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates a concentration of alcohol in his or her blood of 0.10 percent or more, and (c)

that his or her refusal to take the test may be used against him or her in ~~((any))~~ a subsequent criminal trial.

~~((Unless the person to be tested is unconscious))~~ (3) Except as provided in this subsection and subsection (4) of this section, the chemical test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in section 2, chapter ... (SB 3106), Laws of 1983, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested. ((In such circumstances, the provisions of subsections (2) through (6) of this section shall not apply.

~~((2))~~ (4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

~~((3))~~ (5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his or her breath, ((after being informed that his refusal will result in the revocation or denial of his privilege to drive;)) no test shall be given except as authorized under subsection (3) or (4) of this section. ((The department of licensing, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of one year after the date of the alleged violation or for two years if it is the second such refusal in a five-year period, subject to review as hereinafter provided:

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as directed in this section, the department shall immediately notify the person involved in writing by

~~personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving the notice may, in writing and within ten days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of the hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.~~

~~(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege, or permit is so affected has the right to file a petition in the superior court of the county in which he or she resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.~~

~~(6) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license:))~~

NEW SECTION. Sec. 3. (1) If, after arrest and after the other applicable conditions and requirements of RCW 46.20.308 have been satisfied, a person submits to a chemical test of his or her blood, breath, or other bodily fluids, or such a test has been administered without that person's express consent as permitted by RCW 46.20.308 (3) or (4), and the test results indicate an alcoholic concentration in that person's blood of 0.10 percent or more by weight, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by section 5 of this act;

(b) Confiscate the person's Washington state license or permit to drive, if any;

(c) Issue a temporary license as provided for in subsection (2) of this section to any driver who surrenders a current and valid license; and

(d) Immediately notify the department of licensing of the arrest and transmit to the department of licensing any confiscated license or permit and a sworn report that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both; and

(ii) That after receipt of the warnings required by RCW 46.20.308(2) the person refused to submit, or submitted to chemical testing, or that a test was administered without the person's express consent as permitted under RCW 46.20.308 (3) or (4); and

(iii) That, if a test was administered, the applicable requirements of RCW 46.20.308 were met before administration of the test and that the test was administered in accordance with RCW 46.61.506; and

(iv) That the results of any test administered indicated an alcoholic concentration in that person's blood of 0.10 percent or more.

(2) The department shall provide law enforcement agencies with temporary license forms and written notice statements for use under subsection (1) of this section. Any temporary license issued under subsection (1) of this section shall indicate that it is effective for forty-five days from the arrest or, until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to section 6 of this act, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces.

NEW SECTION. Sec. 4. (1) The department shall suspend, revoke, or deny the arrested person's driving privileges as follows:

(a) In the case of a person who has refused a test:

(i) For a first refusal within five years, revocation or denial for one year;

(ii) For a second refusal within five years, revocation or denial for two years.

(b) In the case of a person who has submitted to or been administered a test indicating a blood alcohol concentration of 0.10 percent or more:

(i) For a first incident within five years, suspension or denial for ninety days;

(ii) For a second incident within five years, revocation or denial for one year;

(iii) For a third incident within five years, revocation or denial for two years.



(c) A suspension, revocation, or denial shall take effect when sustained at a hearing under section 6 of this act, or forty-five days after the person's arrest if no hearing was requested, whichever occurs first.

(2) The department shall not grant or reinstate a person's privilege to drive that has been suspended, revoked, or denied under subsection (1) of this section until it has determined the person is eligible for reinstatement under RCW 46.20.031 and 46.61.515 and is otherwise qualified.

(3) For purposes of this section and section 5 of this act, driving privileges include:

- (a) A Washington state driver's license or permit;
- (b) A nonresident privilege to drive; and
- (c) The privilege of a person to apply for a new or duplicate license or permit or to renew a license, permit, or nonresident privilege.

**NEW SECTION.** Sec. 5. No suspension, revocation, or denial of a driving privilege under section 4 of this act is effective until the department of licensing or a law enforcement officer acting on its behalf notifies the person in writing by personal service, by certified mail, or by first class mail addressed to that person's last known address of record with the department of the department's intention to suspend, revoke, or deny together with the grounds therefor and allows the person a seven-day period to request in writing that the department provide a hearing as provided in section 6 of this act. The notice shall specify the steps the person must take to obtain a hearing. If no written request for a hearing is postmarked or delivered to the department within seven days from the date of notification, the department shall issue an order effective as provided in section 4 of this act. If a request for a hearing is filed in time, the department shall give the person an opportunity for a hearing as provided in section 6 of this act.

**NEW SECTION.** Sec. 6. (1) Administrative hearings held to determine the propriety of any suspension, revocation, or denial imposed under section 4 of this act shall be in accordance with rules adopted by the director.

(2) The department shall fix a time, no more than forty-five days after arrest, and a place for a hearing to be held in the county in which the arrest was made that resulted in a report being transmitted under section 3 of this act. The hearing may be set for some other county by agreement between the department and the person. If the hearing is not held and an order issued under section 8 of this act within forty-five days after arrest, the suspension, revocation, or denial under section 4 of this act shall not be imposed.

(3) The department shall give the person at least fourteen days advance notice of the time and place of hearing, but the period of notice may be waived by the person. RCW 46.20.332 and 46.20.333 apply to the hearings. The department shall issue a subpoena upon the request of any party and, to the extent required by department rule, upon a statement showing the

general relevance and reasonable scope of the evidence sought. The subpoena may be issued with like effect by the person's attorney of record or the office of the attorney general, and the form of the subpoena in each case may be the same as when issued by the agency, except that it shall only be subscribed by the signature of the person's attorney or an assistant attorney general. Every party has the right of cross-examination of any witness who testifies and has the right to submit rebuttal evidence. Subpoenas issued under this section may be enforced in the manner provided by RCW 34.04.105(5).

(4) With respect to arrested drivers who have submitted to or been administered chemical tests, the department by rule may permit the admission into evidence at the hearing of (a) copies of official reports of persons who possess a valid permit or certificate from the state toxicologist to perform tests or chemical analyses of the blood or breath, as to results of particular tests or analyses performed by that person when the copies have been certified as true copies of the report by the writer of the report, under oath, and (b) certificates of Breathalyzer maintenance operators who possess a valid permit or certificate from the state toxicologist, as to the testing and calibration of Breathalyzers or similar machines by that person. The reports or certificates may be admitted without further proof or foundation as prima facie evidence of the facts stated in them unless the arrested driver has given written notice received by the department not less than seven days before the date set for the hearing that he or she requests that the person administering the test, or the Breathalyzer maintenance operator, be produced by the department at the hearing.

NEW SECTION. Sec. 7. The scope of the administrative hearing under section 6 of this act shall include:

(1) With respect to a person who has refused a chemical test, the issues of:

(a) Whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor;

(b) Whether the person was placed under arrest; and

(c) Whether the person refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his or her privilege to drive and that the person had the right to additional tests.

(2) With respect to a person upon whom a chemical test was administered, the issues of:

(a) Whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor;

(b) Whether the person was placed under arrest;

(c) Whether the applicable requirements of RCW 46.20.308 were satisfied before the administration of the chemical test;

(d) Whether the person either submitted to the test or a test was administered without express consent as permitted under RCW 46.20.308; and

(e) Whether the test indicated a concentration of alcohol in the person's blood of 0.10 percent, or more. The person may challenge whether the testing methods used were in accordance with RCW 46.61.506 and were valid and reliable.

NEW SECTION. Sec. 8. After a hearing held under section 6 of this act, the department shall order that the appropriate suspension, revocation, or denial of privileges be imposed effective ten days after receipt of the order. In the alternative, the department may order that the administrative action be dismissed.

NEW SECTION. Sec. 9. (1) If the suspension, revocation, or denial imposed by the department under section 4 of this act is sustained after a hearing, the person whose license, permit, or privilege is affected has the right to file a petition in the superior court of the county of arrest or the county in which the person resides or, if a nonresident of this state, the superior court of Thurston county, for review of the final order of suspension, revocation, or denial by the department. The petition shall be filed within ten days following receipt by the person of the department's final order, or the right to appeal is deemed to have been waived. 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 department, not shown in the record, testimony on that issue may be taken in court. The scope of the review is limited to that prescribed by RCW 7.16.120, governing writs of certiorari.

(2) The filing of the appeal does not stay the effective date of the suspension, revocation, or denial unless it is stayed by the court after motion and argument. Such a stay may be granted only if the court finds upon the arguments and affidavits presented that there is a reasonable probability that the petitioner will prevail upon the merits of the petition, that the public interest will not be substantially harmed by the stay, and that the petitioner will suffer irreparable harm if the order is not stayed. If such a stay is granted it shall provide that it is effective only so long as there is no conviction of the petitioner for a moving violation or no finding that the petitioner has committed a traffic infraction which is a moving violation during the pendency of the appeal.

(3) The court may affirm the department's decision, remand the matter for further administrative proceedings, or reverse the department's order of suspension, revocation, or denial.

(4) The actual costs of preparing and transmitting the record to superior court shall be borne by the petitioner and awarded by the court to the department if the department's decision is affirmed. The costs shall be borne by the department if the department's decision is remanded or reversed.

NEW SECTION. Sec. 10. When it has been finally determined under the procedures of sections 4 through 8 of this act that a nonresident's privilege to operate a motor vehicle in this state has been suspended or revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a driver's license.

NEW SECTION. Sec. 11. When the department is required to suspend, revoke, or deny a person's license, permit, or nonresident privilege to drive under either section 4 of this act or under RCW 46.61.515(5), and (1) the department has earlier imposed a suspension, revocation, or denial under the other of those two provisions or is preparing to do so, and (2) each of those two sanctions has been required as the result of civil or criminal proceedings arising from the same arrest, the department shall proceed as follows:

(a) If the civil and criminal sanctions imposed or to be imposed are for the same minimum length of time, the suspension, revocation, or denial imposed by the department is limited to that first imposed and fully effective under one of those provisions;

(b) If the civil and criminal sanctions are of different minimum lengths of time, the department shall impose the sanction of longer duration. If the sanction with the shorter minimum duration has earlier been imposed by the department, the department shall reduce the minimum duration of the longer revocation by the number of days the license, permit, or privilege to drive was actually under suspension, revocation, or denial pursuant to the earlier action by the department.

If a suspension, revocation, or denial of a person's license, permit, or nonresident privilege to drive would have been imposed by the department under section 4 of this act but for the operation of this section, the suspension, revocation, or denial shall be treated as if it had been imposed for the purposes of determining the minimum duration of subsequent suspensions or revocations required under that section.

NEW SECTION. Sec. 12. (1) The director, or his or her designee, shall administer and enforce the provisions of sections 3 through 11 of this act. The director may adopt such rules as he or she deems necessary to carry out the purposes of sections 3 through 11 of this act.

(2) The department shall prescribe and provide such forms as it deems necessary or desirable to carry out the purposes of sections 3 through 11 of this act.

Sec. 13. Section 46.04.480, chapter 12, Laws of 1961 as amended by section 7, chapter 62, Laws of 1979 and RCW 46.04.480 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, or 46.61.515 and chapter 46.65 RCW the invalidation may last for a period ~~((to exceed))~~ other than one calendar year.

Sec. 14. Section 46.04.480, chapter 12, Laws of 1961 as last amended by section 13 of this act and RCW 46.04.480 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, ~~((or))~~ 46.61.515, or section 4 of this act and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

Sec. 15. Section 24, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of ~~((such))~~ the driver's conviction of any of the following offenses, when ~~((such))~~ the conviction has become final:

(1) ~~((Manslaughter (or negligent)) For vehicular homicide((-)resulting from the operation of a motor vehicle))~~ the period of revocation shall be two years;

(2) Vehicular assault;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the ~~((third))~~ second such conviction ~~((of such))~~ for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years;

~~((3))~~ (4) Any felony in the commission of which a motor vehicle is used;

~~((4))~~ (5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

~~((5))~~ (6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

~~((6))~~ (7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction ~~((of such))~~ for the driver within a period of two years.

Sec. 16. Section 24, chapter 121, Laws of 1965 ex. sess. as amended by section 15 of this act and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

- (1) For vehicular homicide the period of revocation shall be two years;
- (2) Vehicular assault;
- (3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years. A revocation imposed under this subsection shall run concurrently with any corresponding revocation which may be imposed by the department pursuant to section 4 of this act or RCW 46.61.515(5) arising out of the same arrest;
- (4) Any felony in the commission of which a motor vehicle is used;
- (5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
- (6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;
- (7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

Sec. 17. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 5, chapter 212, Laws of 1982 and RCW 46.20.311 are each amended to read as follows:

- (1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 or 46.61.515. Whenever the license of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, or pursuant to RCW 46.20.291, ~~((such))~~ the suspension shall remain in effect and the department shall not issue to ~~((such))~~ the person any new, duplicate, or renewal ~~((of))~~ license until ~~((such))~~ the person ~~((shall))~~ pays a reinstatement fee of twenty

dollars and ~~((shall))~~ give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the reinstatement fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked ~~((shall))~~, unless the revocation was for a cause which has been removed, is not ~~((be))~~ entitled to have ~~((such))~~ the license or privilege renewed or restored ~~((unless the revocation was for a cause which has been removed, except that after the expiration of six months in cases of revocation for refusal to submit to a chemical test under the provisions of RCW 46.20.308 as now or hereafter amended, and in all other revocation cases))~~ until: (a) After the expiration of one year from the date on which the revoked license was surrendered to and received by the department ~~((such))~~; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(5) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; or (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with ~~((an additional))~~ a reinstatement fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reinstatement fee shall be fifty dollars. The department shall not then issue a new license unless it is satisfied after investigation of the driving ability of ~~((such))~~ the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until ~~((such))~~ the person ~~((shall))~~ give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW. A resident without a license or permit whose license or permit was denied under RCW 46.20.308(3) shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the department shall not issue to the person any new or renewal license until the person ~~((shall))~~ pay a reinstatement fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reinstatement fee shall be fifty dollars.

Sec. 18. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 17 of this act and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 or 46.61.515. Whenever the license of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, or pursuant to RCW 46.20.291, the suspension shall remain in effect and the department shall not issue to the person any new, duplicate, or renewal license until the person pays a reinstatement fee of twenty dollars and gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504 or was imposed under section 4 (1) (a) or (b) of this act, the reinstatement fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date on which the revoked license was surrendered to and received by the department; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(5) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; or (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reinstatement fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reinstatement fee shall be fifty dollars. The department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. A resident without a license or permit whose license or permit was denied under (~~RCW 46.20.308(3)~~) section 4 of this act shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the department shall not issue to the person any new or renewal license until the person pays a reinstatement fee of twenty dollars. If the suspension is the result of a violation of the laws of



another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reinstatement fee shall be fifty dollars.

NEW SECTION. Sec. 19. There is added to chapter 46.68 RCW a new section to read as follows:

(1) Until July 1, 1984, thirty dollars of any driver's license reinstatement fee paid under RCW 46.20.311 when the suspension or revocation was for a violation involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, shall be deposited by the department in the DWI impact account, hereby created, of the general fund.

(2) By December 31, 1983, and by August 1, 1984, the office of financial management shall distribute the proceeds of the DWI impact account to the counties for the increased needs of the courts, the prosecuting attorneys, the public defenders, and local law enforcement in handling cases involving driving while intoxicated. To receive a grant from the DWI impact account, a county shall establish, to the satisfaction of the office of financial management, its need for the funds, that a satisfactory effort by the county is being maintained to the extent possible with available funds, and that local resources have been exhausted.

(3) In making grants from the DWI impact account, the office of financial management shall consider the following:

(a) The number of arrests for driving while intoxicated made in the county in the immediately preceding fiscal year;

(b) The percentage of change over the corresponding number for the second preceding fiscal year;

(c) The judicial caseload predicted by the administrator for the courts for the current fiscal year;

(d) Increases in financial support provided by counties for enforcement and conviction relating to offenses involving driving while intoxicated; and

(e) The increase in efforts of law enforcement agencies to arrest persons violating laws against driving while intoxicated.

(4) This section shall expire on August 31, 1984.

NEW SECTION. Sec. 20. There is added to chapter 46.68 RCW a new section to read as follows:

After June 30, 1984, thirty dollars of any driver's license reinstatement fee paid under RCW 46.20.311 when the suspension or revocation was for a violation involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, shall be deposited by the department in the highway safety

fund for the exclusive use of the department in implementing sections 3 through 12 of this act.

Sec. 21. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter ... (SHB 498), Laws of 1983 and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not more than ~~((five))~~ seven hundred fifty dollars. Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The convicted person shall, in addition, be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services, as determined by the court. A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the convicted person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services. Standards for approval for alcohol treatment programs shall be prescribed by rule under the administrative procedure act, chapter 34.04 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine of not more than one thousand five hundred dollars. District courts and courts organized under chapter 35.20 RCW are authorized to impose such fine. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for

granting the suspension or deferral and the facts upon which the suspension or deferral is based. If, at the time of a second or subsequent conviction, the driver 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 or deferred. The person shall, in addition, be required to complete a diagnostic evaluation by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. The report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment facility or approved drug treatment center.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) 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. All funds derived from the penalty assessment are in addition to and exclusive of assessments made under RCW 46.81.030 and are 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. The penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(4) 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 (3) of this section shall not be suspended, waived, modified, or deferred in any respect, and all moneys derived from the penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (3) of this section.

(5) The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

(a) On the first conviction under either offense, be suspended by the department until the person reaches age nineteen or for ((not less than thirty) ninety days~~((: PROVIDED, That the court may recommend that no suspension action be taken))~~, which is longer. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either offense within a five-year period, be ~~((suspended))~~ revoked by the department for ~~((not less than sixty days))~~ one year. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction ~~((under either such offense))~~ of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, vehicular homicide, or vehicular assault, or any combination thereof within a five-year period, be revoked by the department for two years.

(6) In any case provided for in this section, where a driver's license is to be revoked or suspended, the 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 the conviction is sustained on appeal the revocation or suspension takes effect as of the date that the conviction becomes effective for other purposes.

NEW SECTION. Sec. 22. There is added to chapter 46.20 RCW a new section to read as follows:

A suspension or revocation of the license, permit, or nonresident privilege to drive that is required to be imposed by the department of licensing under RCW 46.61.515 shall be coordinated by the department with any suspension or revocation which has been imposed by the department following any civil action it may have taken pursuant to sections 3 through 12 of this act arising out of the same arrest, as required by section 11 of this act.

Sec. 23. Section 1, chapter 5, Laws of 1973 as last amended by section 4, chapter ... (ESB 3106), Laws of 1983 and RCW 46.20.39) are each amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may petition the court for a stay of the effect of the mandatory suspension or revocation for the purpose of submitting to the department an application for an occupational driver's license. The court upon determining that the petitioner is engaged in an occupation or trade ~~((which))~~ that

makes it essential that the petitioner operate a motor vehicle may stay the effect of the mandatory suspension or revocation, notwithstanding RCW 46.20.270, for a period of not more than thirty days and may set definite restrictions as ~~((to hours of the day which may not exceed twelve hours in any one day, days of the week, type of occupation, and areas or routes of travel permitted under the occupational driver's license))~~ provided in section 25 of this act. No person may petition for, and the court may not order, a stay affecting the first thirty days of any suspension or revocation imposed under RCW 46.61.515.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present conviction the applicant has not been convicted more than once of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under section 2 ~~((of this act)),~~ chapter ... (ESB 3106), Laws of 1983; and

(c) The applicant is engaged in an occupation or trade ~~((which))~~ that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The department, upon receipt of an application and the prescribed fee, may issue an occupational driver's license to any person eligible under this section ~~((for a period of not more than one year which))~~ that permits the operation of a motor vehicle only within the limits established by the court and only when the operation is essential to the licensee's occupation or trade. No person may apply for, and the department may not issue, an occupational license for the first thirty days of any suspension or revocation imposed under RCW 46.61.515.

(4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense ~~((which))~~ that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 24. Section 1, chapter 5, Laws of 1973 as last amended by section 23 of this act and RCW 46.20.391 are each amended to read as follows:

(1) Any person licensed under this chapter whose driving privilege has been suspended or revoked under section 4(1)(b)(i) of this act or who is convicted of an offense relating to motor vehicles for which suspension or

revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may ~~((petition the court for a stay of the effect of the mandatory suspension or revocation for the purpose of submitting))~~ submit to the department an application for an occupational driver's license. The ((court)) department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may ((stay the effect of the mandatory suspension or revocation, notwithstanding RCW 46.20.270, for a period of not more than thirty days)) issue an occupational driver's license and may set definite restrictions as provided in section ((25)) 26 of this act. No person may petition for, and the ((court may not order, a stay affecting)) department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed under RCW 46.61.515 or pursuant to section 4(1)(b)(i) of this act. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction or administrative action, the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present conviction or administrative action, the applicant has not been convicted more than once of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under section 2, chapter ... (ESB 3106), Laws of 1983, or had a license administratively suspended or revoked under section 4 of this act; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) ~~((The department, upon receipt of an application and the prescribed fee, may issue an occupational driver's license to any person eligible under this section that permits the operation of a motor vehicle only within the limits established by the court and only when the operation is essential to the licensee's occupation or trade. No person may apply for, and the department may not issue, an occupational license for the first thirty days of any suspension or revocation imposed under RCW 46.61.515.~~

(4)) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has had a driver's license administratively suspended or revoked under section 4 of this act or has been convicted

of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction or administrative action, and continues with the same force and effect as any suspension or revocation under this title.

NEW SECTION. Sec. 25. There is added to chapter 46.20 RCW a new section to read as follows:

In issuing an order staying the mandatory suspension or revocation of a person's driver's license so that the person may apply for an occupational driver's license under RCW 46.20.391, the court shall describe the type of occupation permitted and shall set forth in detail the specific hours of the day during which the person may drive to and from his place of work, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel.

Any restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

NEW SECTION. Sec. 26. There is added to chapter 46.20 RCW a new section to read as follows:

In issuing an occupational driver's license under RCW 46.20.391, the department shall describe the type of occupation permitted and shall set forth in detail the specific hours of the day during which the person may drive to and from his place of work, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

NEW SECTION. Sec. 27. There is added to chapter 46.61 RCW a new section to read as follows:

The refusal of a person to submit to a test of the alcoholic content of his blood under RCW 46.20.308 is admissible into evidence at a subsequent criminal trial without any comment and with a jury instruction, where applicable, that there shall be no speculation as to the reason for the refusal and that no inference is to be drawn from the refusal.

NEW SECTION. Sec. 28. There is added to chapter 46.61 RCW a new section to read as follows:

(1) It is a traffic infraction to drink any alcoholic beverage in a motor vehicle when the vehicle is upon a highway.

(2) It is a traffic infraction for a person to have in his possession while in a motor vehicle upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage if the container has been opened or a seal broken or the contents partially removed.

(3) It is a traffic infraction for the registered owner of a motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle when the vehicle is upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage which has been opened or a seal broken or the contents partially removed, unless the container is kept in the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle does not have a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

(4) This section does not apply to a public conveyance that has been commercially chartered for group use or to the living quarters of a motor home or camper or, except as otherwise provided by RCW 66.44.250 or local law, to any passenger for compensation in a for-hire vehicle licensed under city, county, or state law.

Sec. 29. Section 442, chapter 249, Laws of 1909 and RCW 66.44.240 are each amended to read as follows:

Every person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person, who ~~((shall))~~ knowingly permits any person to drink any intoxicating liquor in any public conveyance, except in the compartment where such liquor is sold or served under the authority of a license lawfully issued, ~~((shall be))~~ is guilty of a misdemeanor. This section does not apply to a public conveyance that is commercially chartered for group use or a for-hire vehicle licensed under city, county, or state law.

Sec. 30. Section 441, chapter 249, Laws of 1909 and RCW 66.44.250 are each amended to read as follows:

Every person who ~~((shall))~~ drinks any intoxicating liquor in any public conveyance, except in a compartment or place where sold or served under the authority of a license lawfully issued, ~~((shall be))~~ is guilty of a misdemeanor. With respect to a public conveyance that is commercially chartered for group use and with respect to a for-hire vehicle licensed under city, county, or state law, this section applies only to the driver of the vehicle.

**NEW SECTION.** Sec. 31. The administrator for the courts may assign one or more justices from other judicial districts to serve as visiting justices in a judicial district which the administrator determines is experiencing an increase in case filings as the result of enhanced enforcement of laws related to driving, or being in physical control of, a motor vehicle while intoxicated.



The prosecuting, city, or town attorney of the county, city, or town in which a judicial district lies, or the presiding judge of the judicial district, may request the administrator for the courts to designate the district as an enhanced enforcement district and to make assignments under this section. An assignment shall be for a specified period of time not to exceed thirty days. A visiting justice has the same powers as a justice of the district to which he or she is assigned. A visiting justice shall be reimbursed for expenses under RCW 2.56.070.

Sec. 32. Section 118, chapter 299, Laws of 1961 and RCW 3.66.070 are each amended to read as follows:

All criminal actions shall be brought in the justice court district where the alleged violation occurred: PROVIDED, That (1) the prosecuting attorney may file felony cases in the district in which the county seat is located ((and)), (2) with the consent of the defendant criminal actions other than those arising out of violations of city ordinances may be brought in or transferred to the district in which the county seat is located, and (3) if the alleged violation relates to driving, or being in actual physical control of, a motor vehicle while intoxicated and the alleged violation occurred within a judicial district which has been designated an enhanced enforcement district under section 31 of this act, the charges may be filed in that district or in a district within the same county which is adjacent to the district in which the alleged violation occurred.

NEW SECTION. Sec. 33. There is added to chapter 46.61 RCW a new section to read as follows:

A sentencing court may allow persons convicted of violating RCW 46.61.502 or 46.61.504 to fulfill the terms of the sentence provided in RCW 46.61.515 (1) or (2) in nonconsecutive or intermittent time periods. However, the first twenty-four hours of any sentence under RCW 46.61.515(1) and the first forty-eight hours of any sentence under RCW 46.61.515(2) shall be served consecutively unless suspended or deferred as otherwise provided by law.

Sec. 34. Section 2, chapter 316, Laws of 1977 ex. sess. as last amended by section 25, chapter 136, Laws of 1981 and RCW 70.48.020 are each amended to read as follows:

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) "Special detention facility" means a minimum security facility operated by a governing unit primarily designed, staffed, and used for the housing of special populations of sentenced persons who do not require the level of security normally provided in detention and correctional facilities including, but not necessarily limited to, persons convicted of offenses under RCW 46.61.502 or 46.61.504.

(4) "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))~~ (5) "Jail" means any holding, detention, or correctional facility as defined in this section.

~~((5))~~ (6) "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))~~ (7) "Commission" means the state jail commission created pursuant to RCW 70.48.030 but, after June 30, 1983, "commission" and "state jail commission" means the state corrections standards board.

~~((7))~~ (8) "Substantially remodeled" means significant alterations made to the physical plant of a jail to conform with the physical plant standards.

~~((8))~~ (9) "Department" means the department of social and health services.

~~((9))~~ (10) "Secretary" means the secretary of social and health services.

~~((10))~~ (11) "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))~~ (12) "Mandatory custodial care standards" means those minimum standards, rules, or regulations that are adopted pursuant to RCW 70.48.050(1)(a) and 70.48.070(1) for jails to meet federal and state constitutional requirements relating to the health, safety, security, and welfare of inmates.

~~((12))~~ (13) "Advisory custodial care standards" means custodial care standards recommended by the commission which are not mandatory.

~~((13))~~ (14) "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.

~~((+4))~~ (15) "Jail inspector" means a person with at least five years in a supervisory position as a law enforcement or custodial corrections officer.

~~((+5))~~ (16) "Major urban" means a county or combination of counties which has a city having a population greater than twenty-six thousand based on the 1978 projections of the office of financial management.

~~((+6))~~ (17) "Medium urban" means a county or combination of counties which has a city having a population equal to or greater than ten thousand but less than twenty-six thousand based on the 1978 projections of the office of financial management.

~~((+7))~~ (18) "Rural" means a county or combination of counties which has a city having a population less than ten thousand based on the 1978 projections of the office of financial management.

NEW SECTION. Sec. 35. There is added to chapter 70.48 RCW a new section to read as follows:

Mandatory custodial care standards adopted under RCW 70.48.050 for special detention facilities shall be limited to those necessary to meet minimum legal requirements for health, welfare, and security for low-risk prisoners considering the length of stay and the prisoner classification involved. The standards shall not incorporate standards applicable to correction and detention facilities except where specifically justified.

NEW SECTION. Sec. 36. There is added to chapter 70.48 RCW a new section to read as follows:

The legislative authority of a county or city that establishes a special detention facility as defined in RCW 70.48.020 for persons convicted of violating RCW 46.61.502 or 46.61.504 may establish a reasonable fee schedule to cover the cost of housing in the facility. The schedule shall be on a sliding basis that reflects the person's ability to pay.

Sec. 37. Section 16, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.180 are each amended to read as follows:

Counties may acquire, build, operate, and maintain holding, detention, special detention, and correctional facilities as defined in RCW 70.48.020 at any place designated by the county legislative authority within the territorial limits of the county. The facilities shall comply with chapter 70.48 RCW and the rules adopted thereunder.

Sec. 38. Section 35.21.330, chapter 7, Laws of 1965 as amended by section 19, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.190 are each amended to read as follows:

Cities and towns may acquire, build, operate, and maintain holding, detention, special detention, and correctional facilities as defined in RCW 70.48.020 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)~~). The facilities comply with

the provisions of chapter 70.48 RCW and rules adopted (~~thereto~~) thereunder.

Sec. 39. Section 17, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.210 are each amended to read as follows:

(1) All cities and counties are authorized to establish and maintain farms, camps, and work release programs and facilities, as well as special detention facilities. The facilities shall meet the requirements of chapter 70.48 RCW and any rules adopted thereunder.

(2) Farms and camps may be established either inside or outside the territorial limits of a city or county. A sentence of confinement in a city or county jail may include placement in a farm or camp. Unless directed otherwise by court order, the chief law enforcement officer or department of corrections, may transfer the prisoner to a farm or camp. The sentencing court, chief law enforcement officer, or department of corrections may not transfer to a farm or camp a greater number of prisoners than can be furnished with constructive employment and can be reasonably accommodated.

(3) The city or county may establish a city or county work release program and housing facilities for the prisoners in the program. In such regard, factors such as employment conditions and the condition of jail facilities should be considered. When a work release program is established the following provisions apply:

(a) A person convicted of a felony and placed in a city or county jail is eligible for the work release program. A person sentenced to a city or county jail is eligible for the work release program. The program may be used as a condition of probation for a criminal offense. Good conduct is a condition of participation in the program.

(b) The court may permit a person who is currently, regularly employed to continue his or her employment. The chief law enforcement officer or department of corrections shall make all necessary arrangements if possible. The court may authorize the person to seek suitable employment and may authorize the chief law enforcement officer or department of corrections to make reasonable efforts to find suitable employment for the person. A person participating in the work release program may not work in an establishment where there is a labor dispute.

(c) The work release prisoner shall be confined in a work release facility or jail whenever the prisoner is not employed and between the hours or periods of employment unless the court directs otherwise.

(d) The chief law enforcement officer or (~~his~~) a designee shall collect the work release prisoner's earnings and from the earnings make payments for the prisoner's board, personal expenses inside and outside the jail, and share of the administrative expenses of this section. Support payments for the prisoner's dependents, if any, shall be made as directed by the court. With the prisoner's consent, the remaining funds may be used to pay the

prisoner's preexisting debts. Any balance shall be retained and paid to the prisoner when the prisoner is discharged.

(e) With court approval the prisoner's sentence may be reduced by one-fourth if the prisoner's conduct, diligence, and general attitude merit the reduction.

(f) If the work release prisoner violates the conditions of custody or employment, the prisoner shall be returned to the sentencing court. The sentencing court may require the prisoner to spend the remainder of the sentence in actual confinement and may cancel any earned reduction of the sentence.

(4) A special detention facility may be operated by a noncorrectional agency or by noncorrectional personnel by contract with the governing unit. The employees shall meet the standards of training and education established by the criminal justice training commission as authorized by RCW 43.101.080. The special detention facility may use combinations of features including, but not limited to, low-security or honor prisoner status, work farm, work release, community review, prisoner facility maintenance and food preparation, training programs, or alcohol or drug rehabilitation programs, with or without cost to the prisoners.

NEW SECTION. Sec. 40. There is added to chapter 35.21 RCW a new section to read as follows:

Except as limited by the maximum penalties authorized by law, no city or town may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in RCW 46.61.515.

NEW SECTION. Sec. 41. There is added to chapter 36.32 RCW a new section to read as follows:

No county may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in RCW 46.61.515.

NEW SECTION. Sec. 42. There is added to chapter 43.59 RCW a new section to read as follows:

The Washington traffic safety commission shall produce and disseminate through all possible media, informational and educational materials explaining the extent of the problems caused by drinking drivers, the need for public involvement in their solution, and the penalties of existing and new laws against driving while intoxicated.

NEW SECTION. Sec. 43. The standing committees on transportation and judiciary of the state senate and house of representatives, with the assistance of the department of licensing, shall conduct a joint study to analyze and evaluate the issues involved in authorizing administrative revocation of the driver's license of a person who operates a motor vehicle while under the influence of alcohol. The study shall include an analysis and evaluation of other states that have enacted statutes that provide for administrative revocation of driver's licenses, the effects on reducing drunken driving, the cost of implementing and administering such a program, and any impacts on the criminal justice system.

The committees shall submit a report that includes their findings and recommendations, together with proposed legislation, to the legislature before January 1, 1984.

NEW SECTION. Sec. 44. The legislature finds that previous attempts to curtail the incidence of driving while intoxicated have been inadequate. The legislature further finds that property loss, injury, and death caused by drinking drivers have reached unacceptable levels. This act is intended to convey the seriousness with which the legislature views this problem. To that end the legislature seeks to insure swift and certain punishment for those who drink and drive. The legislature does not intend to discourage or deter courts and other agencies from directing or providing treatment for problem drinkers. However, it is the intent that such treatment, where appropriate, be in addition to and not in lieu of the sanctions to be applied to all those convicted of driving while intoxicated.

Sec. 45. Section 12, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.120 are each amended to read as follows:

~~((Two))~~ Five years from the date of the court's approval of deferred prosecution for an individual defendant, those dockets that remain in the special court deferred prosecution file relating to such defendant shall be dismissed and the records removed.

NEW SECTION. Sec. 46. Sections 3 through 12 of this act are added to chapter 46.20 RCW.

NEW SECTION. Sec. 47. Sections 2, 3 through 12, 14, 16, 18, 22, 24, and 26 of this act shall take effect on January 1, 1985. The remainder of 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, 1983. The director of licensing may immediately take such steps as are necessary to insure that all sections of this act are implemented on their respective effective dates.

NEW SECTION. Sec. 48. 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 April 24, 1983.

Passed the Senate April 23, 1983.

Approved by the Governor May 11, 1983.

Filed in Office of Secretary of State May 11, 1983.

## CHAPTER 166

[Senate Bill No. 3492]

### NONRESIDENT TUITION AND FEES—HIGHER EDUCATION RECIPROCITY

AN ACT Relating to higher education; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; and providing an expiration date.

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

NEW SECTION. Sec. 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 board for community college education and the boards of trustees of the state's community colleges, The Evergreen State College, and the regional universities and boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of Idaho, upon completion of and to the extent permitted by an agreement between the council for postsecondary education and appropriate officials and agencies in Idaho granting similar waivers for residents of the state of Washington.

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:

Prior to January 1 of each odd-numbered year, the council for postsecondary education, in cooperation with the state board for community college education and in consultation with appropriate agencies and officials in the state of Idaho, shall determine for the purposes of section 1 of this act the number of students for whom nonresident tuition and fees have been waived for the first academic year of the biennium and the fall term of the second academic year, and make an estimate of the number of such students for the remainder of the second academic year, and the difference between the aggregate amount of tuition and fees that would have been paid to the respective states by residents of the other state had such waivers not been made, and the aggregate amount of tuition and fees paid by residents of the other state. Should the council determine that the state of Idaho has experienced a greater net tuition and fee revenue loss than institutions in Washington, it shall pay from funds appropriated for this purpose to the appropriate agency or institution in Idaho an amount determined by subtracting the net tuition and fee revenue loss of Washington from the net tuition and fee revenue loss of Idaho, minus twenty-five thousand dollars for

each year of the biennium if the appropriate officials in the state of Idaho agree to make similar restitution to the state of Washington should the net tuition and fee revenue loss in Washington be greater than that in Idaho.

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 council for postsecondary education may enter into an agreement with appropriate officials or agencies in the state of Idaho to implement sections 1 and 2 of this act. By January 10 of each odd numbered year, the council shall review the costs and benefits of any agreement entered into under section 1 of this act and shall transmit copies of their review to the governor and the appropriate policy and fiscal committees of the legislature. In addition, the council shall make recommendations to the legislature on the continuation or termination of the authorization contained in this section not later than January, 1987.

NEW SECTION. Sec. 4. 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 boards of trustees of The Evergreen State College and the regional universities and the boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of the Canadian province of British Columbia, upon completion of and to the extent permitted by an agreement between the council for postsecondary education and appropriate officials and agencies in the Canadian province of British Columbia providing for enrollment opportunities for residents of the state of Washington without payment of tuition or fees in excess of those charged to residents of British Columbia.

NEW SECTION. Sec. 5. 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 council for postsecondary education may enter into an agreement with appropriate officials or agencies in the Canadian province of British Columbia to implement section 4 of this act. The agreement should provide for a balanced exchange of enrollment opportunities, without payment of excess tuition or fees, for residents of the state of Washington or the Canadian province of British Columbia. By January 10 of each odd numbered year, the council shall review the costs and benefits of any agreement entered into under section 4 of this act and shall transmit copies of their review to the governor and the appropriate policy and fiscal committees of the legislature. In addition, the council shall make recommendations to the legislature on the continuation or termination of the authorization contained in this section not later than January, 1987.



**NEW SECTION.** Sec. 6. Sections one through five of this act shall expire on June 30, 1987.

Passed the Senate April 23, 1983.

Passed the House April 16, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 167

[Substitute House Bill No. 390]

### STATE AND LOCAL GOVERNMENT BOND PROCEDURES

AN ACT Relating to government borrowing; amending section 11, chapter 154, Laws of 1915 as last amended by section 2, chapter 56, Laws of 1970 ex. sess. and RCW 8.12.400; amending section 12, chapter 154, Laws of 1915 and RCW 8.12.410; amending section 15, chapter 154, Laws of 1915 and RCW 8.12.440; amending section 18, chapter 154, Laws of 1915 and RCW 8.12.460; amending section 1, chapter 53, Laws of 1957 as last amended by section 3, chapter 56, Laws of 1970 ex. sess. and RCW 14.08.112; amending section 2, chapter 53, Laws of 1957 as last amended by section 4, chapter 56, Laws of 1970 ex. sess. and RCW 14.08.114; amending section 26, chapter 153, Laws of 1957 as last amended by section 4, chapter 195, Laws of 1973 1st ex. sess. and RCW 17.28.260; amending section 6, chapter 59, Laws of 1955 as amended by section 1, chapter 100, Laws of 1980 and RCW 27.12.060; amending section 2, chapter 59, Laws of 1955 as last amended by section 6, chapter 56, Laws of 1970 ex. sess. and RCW 27.12.223; amending section 28A.51.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 170, Laws of 1980 and RCW 28A.51.010; amending section 28A.51.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.030; amending section 28A.51.055, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.055; amending section 28A.51.070, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 257, Laws of 1979 ex. sess. and RCW 28A.51.070; amending section 28A.51.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.180; amending section 28A.51.190, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.190; amending section 28A.51.220, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.220; amending section 28A.52.050, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 43, Laws of 1975 and RCW 28A.52.050; amending section 28A.52.055, chapter 223, Laws of 1969 ex. sess. and RCW 28A.52.055; amending section 28A.52.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.52.060; amending section 28B.10.310, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 25, Laws of 1972 ex. sess. and RCW 28B.10.310; amending section 28B.10.315, chapter 223, Laws of 1969 ex. sess. as last amended by section 23, chapter 56, Laws of 1970 ex. sess. and RCW 28B.10.315; amending section 28B.20.396, chapter 223, Laws of 1969 ex. sess. as last amended by section 25, chapter 56, Laws of 1970 ex. sess. and RCW 28B.20.396; amending section 28B.20.398, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.398; amending section 35.22.590, chapter 7, Laws of 1965 and RCW 35.22.590; amending section 35.37.090, chapter 7, Laws of 1965 and RCW 35.37.090; amending section 35.37.100, chapter 7, Laws of 1965 and RCW 35.37.100; amending section 35.37.120, chapter 7, Laws of 1965 and RCW 35.37.120; amending section 35.41.030, chapter 7, Laws of 1965 as last amended by section 2, chapter 223, Laws of 1971 ex. sess. and RCW 35.41.030; amending section 35.41.050, chapter 7, Laws of 1965 and RCW 35.41.050; amending section 35.45.030, chapter 7, Laws of 1965 as amended by section 1, chapter 44, Laws of 1967 ex. sess. and RCW 35.45.030; amending section 35.45.040, chapter 7, Laws of 1965 as amended by section 2, chapter 323, Laws of 1981 and RCW 35.45.040; amending section 35.45.050, chapter 7, Laws of 1965 as amended by section 11, chapter 116, Laws of 1971 ex. sess. and RCW 35.45.050; reenacting and amending section 2, chapter 93, Laws of 1970 ex. sess. as amended by section 2, chapter 156, Laws of 1981 and by section 4, chapter 323, Laws of 1981 and RCW 35.45.150; amending section 35.48.020, chapter 7, Laws of 1965 and RCW 35.48.020; amending section 7, chapter 270, Laws of 1975 1st ex. sess. as amended by section 1, chapter 175, Laws of 1979 ex.

sess. and RCW 35.58.2721; amending section 1, chapter 11, Laws of 1970 ex. sess. as last amended by section 24, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.58.450; amending section 35.58.460, chapter 7, Laws of 1965 as last amended by section 8, chapter 70, Laws of 1974 ex. sess. and RCW 35.58.460; amending section 6, chapter 110, Laws of 1967 and RCW 35.59.060; amending section 7, chapter 110, Laws of 1967 and RCW 35.59.070; amending section 35.60.040, chapter 7, Laws of 1965 and RCW 35.60.040; amending section 35.61.100, chapter 7, Laws of 1965 as amended by section 14, chapter 42, Laws of 1970 ex. sess. and RCW 35.61.100; amending section 35.61.160, chapter 7, Laws of 1965 and RCW 35.61.160; amending section 35.61.170, chapter 7, Laws of 1965 as last amended by section 41, chapter 56, Laws of 1970 ex. sess. and RCW 35.61.170; amending section 35.61.180, chapter 7, Laws of 1965 and RCW 35.61.180; amending section 35.61.200, chapter 7, Laws of 1965 and RCW 35.61.200; amending section 35.67.080, chapter 7, Laws of 1965 as last amended by section 42, chapter 56, Laws of 1970 ex. sess. and RCW 35.67.080; amending section 35.67.090, chapter 7, Laws of 1965 and RCW 35.67.090; amending section 35.67.140, chapter 7, Laws of 1965 as last amended by section 43, chapter 56, Laws of 1970 ex. sess. and RCW 35.67.140; amending section 35.67.150, chapter 7, Laws of 1965 and RCW 35.67.150; amending section 35.67.180, chapter 7, Laws of 1965 and RCW 35.67.180; amending section 35.73.060, chapter 7, Laws of 1965 as last amended by section 9, chapter 156, Laws of 1981 and RCW 35.73.060; amending section 35.73.070, chapter 7, Laws of 1965 and RCW 35.73.070; amending section 35.81.100, chapter 7, Laws of 1965 as last amended by section 44, chapter 56, Laws of 1970 ex. sess. and RCW 35.81.100; amending section 35.82.140, chapter 7, Laws of 1965 as last amended by section 6, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.140; amending section 35.89.020, chapter 7, Laws of 1965 as last amended by section 46, chapter 56, Laws of 1970 ex. sess. and RCW 35.89.020; amending section 35.92.080, chapter 7, Laws of 1965 as last amended by section 47, chapter 56, Laws of 1970 ex. sess. and RCW 35.92.080; amending section 35.92.100, chapter 7, Laws of 1965 as last amended by section 57, chapter 3, Laws of 1983 and RCW 35.92.100; amending section 35.92.150, chapter 7, Laws of 1965 and RCW 35.92.150; amending section 35.92.160, chapter 7, Laws of 1965 and RCW 35.92.160; amending section 6, chapter 175, Laws of 1982 and RCW 36.58.150; amending section 36.62.070, chapter 4, Laws of 1963 as last amended by section 49, chapter 56, Laws of 1970 ex. sess. and RCW 36.62.070; amending section 36.62.080, chapter 4, Laws of 1963 and RCW 36.62.080; amending section 36.67.030, chapter 4, Laws of 1963 as amended by section 79, chapter 3, Laws of 1983 and RCW 36.67.030; amending section 36.67.040, chapter 4, Laws of 1963 as last amended by section 10, chapter 156, Laws of 1981 and RCW 36.67.040; amending section 36.67.050, chapter 4, Laws of 1963 and RCW 36.67.050; amending section 36.67.060, chapter 4, Laws of 1963 as amended by section 1, chapter 188, Laws of 1975 1st ex. sess. and RCW 36.67.060; amending section 36.67.070, chapter 4, Laws of 1963 and RCW 36.67.070; amending section 1, chapter 142, Laws of 1965 and RCW 36.67.510; amending section 3, chapter 142, Laws of 1965 as last amended by section 13, chapter 313, Laws of 1981 and RCW 36.67.530; amending section 4, chapter 142, Laws of 1965 and RCW 36.67.540; amending section 6, chapter 142, Laws of 1965 as last amended by section 51, chapter 56, Laws of 1970 ex. sess. and RCW 36.67.560; amending section 13, chapter 218, Laws of 1963 as last amended by section 10, chapter 210, Laws of 1981 and RCW 36.68.520; amending section 36.69.140, chapter 4, Laws of 1963 as last amended by section 19, chapter 210, Laws of 1981 and RCW 36.69.140; amending section 36.69.200, chapter 4, Laws of 1963 as amended by section 80, chapter 3, Laws of 1983 and RCW 36.69.200; amending section 5, chapter 94, Laws of 1972 ex. sess. and RCW 36.69.370; amending section 6, chapter 94, Laws of 1972 ex. sess. and RCW 36.69.380; amending section 7, chapter 94, Laws of 1972 ex. sess. and RCW 36.69.390; amending section 8, chapter 94, Laws of 1972 ex. sess. and RCW 36.69.400; amending section 36.76.080, chapter 4, Laws of 1963 as last amended by section 2, chapter 76, Laws of 1971 and RCW 36.76.080; amending section 36.76.090, chapter 4, Laws of 1963 as last amended by section 53, chapter 56, Laws of 1970 ex. sess. and RCW 36.76.090; amending section 36.76.120, chapter 4, Laws of 1963 and RCW 36.76.120; amending section 36.88.190, chapter 4, Laws of 1963 and RCW 36.88.190; amending section 36.88.200, chapter 4, Laws of 1963 as last amended by section 5, chapter 100, Laws of 1980 and RCW 36.88.200; amending section 36.88.210, chapter 4, Laws of 1963 and RCW 36.88.210; amending section 36.88.230, chapter 4, Laws of 1963 as amended by section 12, chapter 156, Laws of 1981 and RCW 36.88.230; amending section 36.88.240, chapter 4, Laws of

1963 and RCW 36.88.240; amending section 7, chapter 194, Laws of 1967 as amended by section 13, chapter 156, Laws of 1981 and RCW 36.88.470; amending section 4, chapter 109, Laws of 1967 as amended by section 4, chapter 30, Laws of 1970 ex. sess. and RCW 36.89.040; amending section 9, chapter 30, Laws of 1970 ex. sess. as amended by section 20, chapter 313, Laws of 1981 and RCW 36.89.100; amending section 20, chapter 72, Laws of 1967 as amended by section 2, chapter 313, Laws of 1981 and RCW 36.94.200; amending section 13, chapter 155, Laws of 1971 ex. sess. as amended by section 2, chapter 100, Laws of 1980 and RCW 36.95.130; amending section 16, chapter 155, Laws of 1971 ex. sess. as amended by section 4, chapter 52, Laws of 1981 and RCW 36.95.160; amending section 3, chapter 184, Laws of 1971 ex. sess. and RCW 39.42.030; amending section 1, chapter 151, Laws of 1923 as last amended by section 1, chapter 74, Laws of 1965 ex. sess. and RCW 39.44.010; amending section 3, chapter 151, Laws of 1923 as last amended by section 11, chapter 216, Laws of 1982 and RCW 39.44.030; amending section 1, chapter 52, Laws of 1941 as last amended by section 3, chapter 141, Laws of 1961 and RCW 39.44.100; amending section 1, chapter 91, Laws of 1915 as amended by section 4, chapter 141, Laws of 1961 and RCW 39.44.110; amending section 2, chapter 91, Laws of 1915 as amended by section 5, chapter 141, Laws of 1961 and RCW 39.44.120; amending section 3, chapter 91, Laws of 1915 as amended by section 1, chapter 79, Laws of 1971 ex. sess. and RCW 39.44.130; amending section 1, chapter 229, Laws of 1977 ex. sess. and RCW 39.44.140; amending section 4, chapter 216, Laws of 1982 and RCW 39.50.030; amending section 2, chapter 170, Laws of 1895 as last amended by section 60, chapter 56, Laws of 1970 ex. sess. and RCW 39.52.020; amending section 3, chapter 170, Laws of 1895 as last amended by section 1, chapter 204, Laws of 1909 and RCW 39.52.030; amending section 10, chapter 300, Laws of 1981 and RCW 39.84.100; amending section 43.52.3411, chapter 8, Laws of 1965 as amended by section 2, chapter 1, Laws of 1981 1st ex. sess. and RCW 43.52.3411; amending section 2, chapter 80, Laws of 1969 ex. sess. as amended by section 1, chapter 216, Laws of 1982 and RCW 43.80.110; amending section 47.56.140, chapter 13, Laws of 1961 as last amended by section 62, chapter 56, Laws of 1970 ex. sess. and RCW 47.56.140; amending section 49, chapter 145, Laws of 1967 ex. sess. and RCW 47.56.243; amending section 34, chapter 34, Laws of 1939 as last amended by section 1, chapter 221, Laws of 1959 and RCW 52.16.020; amending section 37, chapter 34, Laws of 1939 and RCW 52.16.050; amending section 3, chapter 176, Laws of 1953 as last amended by section 66, chapter 56, Laws of 1970 ex. sess. and RCW 52.16.061; amending section 39, chapter 34, Laws of 1939 as last amended by section 1, chapter 130, Laws of 1975 1st ex. sess. and RCW 52.16.070; amending section 5, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 67, chapter 56, Laws of 1970 ex. sess. and RCW 52.16.100; amending section 6, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.110; amending section 8, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 52, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.130; amending section 9, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 53, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.140; amending section 9, chapter 53, Laws of 1961 as last amended by section 54, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.160; amending section 45, chapter 34, Laws of 1939 as last amended by section 68, chapter 56, Laws of 1970 ex. sess. and RCW 52.20.060; amending section 1, chapter 255, Laws of 1947 and RCW 52.34.010; amending section 6, chapter 255, Laws of 1947 and RCW 52.34.060; amending section 6, chapter 65, Laws of 1955 and RCW 53.08.050; amending section 3, chapter 236, Laws of 1959 as last amended by section 69, chapter 56, Laws of 1970 ex. sess. and RCW 53.34.030; amending section 4, chapter 236, Laws of 1959 as last amended by section 70, chapter 56, Laws of 1970 ex. sess. and RCW 53.34.040; amending section 5, chapter 236, Laws of 1959 and RCW 53.34.050; amending section 12, chapter 92, Laws of 1911 as amended by section 2, chapter 179, Laws of 1921 and RCW 53.36.040; amending section 4, chapter 59, Laws of 1957 as last amended by section 73, chapter 56, Laws of 1970 ex. sess. and RCW 53.40.030; amending section 4, chapter 122, Laws of 1949 as last amended by section 4, chapter 183, Laws of 1959 and RCW 53.40.040; amending section 9, chapter 122, Laws of 1949 as last amended by section 74, chapter 56, Laws of 1970 ex. sess. and RCW 53.40.110; amending section 8, chapter 122, Laws of 1949 as last amended by section 75, chapter 56, Laws of 1970 ex. sess. and RCW 53.40.130; amending section 3, chapter 7, Laws of 1941 and RCW 53.43.030; amending section 4, chapter 7, Laws of 1941 as amended by section 17, chapter 156, Laws of 1981 and RCW 53.43.040; amending section 2, chapter 239, Laws of 1947 as last amended by section 76, chapter 56, Laws of 1970 ex. sess. and RCW 53.44.020; amending

section 8, chapter 390, Laws of 1955 as amended by section 1, chapter 218, Laws of 1959 and RCW 54.16.070; amending section 14, chapter 390, Laws of 1955 and RCW 54.16.130; amending section 1, chapter 12, Laws of 1971 and RCW 54.24.018; amending section 2, chapter 182, Laws of 1941 as amended by section 4, chapter 218, Laws of 1959 and RCW 54.24.030; amending section 5, chapter 182, Laws of 1941 as amended by section 5, chapter 218, Laws of 1959 and RCW 54.24.040; amending section 3, chapter 182, Laws of 1941 as last amended by section 6, chapter 218, Laws of 1959 and RCW 54.24.050; amending section 4, chapter 182, Laws of 1941 as last amended by section 78, chapter 56, Laws of 1970 ex. sess. and RCW 54.24.060; amending section 9, chapter 182, Laws of 1941 as last amended by section 2, chapter 37, Laws of 1981 and RCW 54.24.100; amending section 1, chapter 150, Laws of 1957 and RCW 54.24.200; amending section 3, chapter 150, Laws of 1957 as amended by section 19, chapter 156, Laws of 1981 and RCW 54.24.220; amending section 6, chapter 150, Laws of 1957 and RCW 54.24.250; amending section 18, chapter 210, Laws of 1941 as last amended by section 65, chapter 195, Laws of 1973 1st ex. sess. and RCW 56.16.040; amending section 19, chapter 210, Laws of 1941 as last amended by section 1, chapter 25, Laws of 1975 1st ex. sess. and RCW 56.16.060; amending section 21, chapter 210, Laws of 1941 as last amended by section 2, chapter 25, Laws of 1975 1st ex. sess. and RCW 56.16.080; amending section 45, chapter 210, Laws of 1941 and RCW 56.16.130; amending section 4, chapter 58, Laws of 1974 ex. sess. as last amended by section 5, chapter 45, Laws of 1981 and RCW 56.20.015; amending section 8, chapter 18, Laws of 1959 as last amended by section 4, chapter 299, Laws of 1977 ex. sess. and RCW 57.16.030; amending section 9, chapter 114, Laws of 1929 as last amended by section 15, chapter 17, Laws of 1982 1st ex. sess. and RCW 57.16.050; amending section 11, chapter 114, Laws of 1929 as last amended by section 71, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.20.010; amending section 16, chapter 251, Laws of 1953 as amended by section 72, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.20.015; amending section 3, chapter 128, Laws of 1939 as last amended by section 3, chapter 25, Laws of 1975 1st ex. sess. and RCW 57.20.020; amending section 2, chapter 82, Laws of 1935 as amended by section 2, chapter 102, Laws of 1937 and RCW 57.20.080; amending section 3, chapter 82, Laws of 1935 as amended by section 3, chapter 102, Laws of 1937 and RCW 57.20.090; amending section 22, chapter 114, Laws of 1929 and RCW 57.20.130; amending section 9, chapter 236, Laws of 1967 as last amended by section 3, chapter 222, Laws of 1979 ex. sess. and RCW 67.28.160; amending section 11, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.110; amending section 12, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.120; amending section 5, chapter 147, Laws of 1974 ex. sess. as amended by section 1, chapter 121, Laws of 1981 and RCW 70.37.050; amending section 6, chapter 264, Laws of 1945 as last amended by section 15, chapter 84, Laws of 1982 and RCW 70.44.060; amending section 13, chapter 264, Laws of 1945 as last amended by section 86, chapter 56, Laws of 1970 ex. sess. and RCW 70.44.120; amending section 5, chapter 132, Laws of 1973 as amended by section 3, chapter 6, Laws of 1975 and RCW 70.95A.040; amending section 6, chapter 132, Laws of 1973 and RCW 70.95A.050; amending section 8, chapter 132, Laws of 1973 and RCW 70.95A.070; amending section 29, chapter 117, Laws of 1895 as amended by section 1, chapter 87, Laws of 1921 and RCW 85.05.290; amending section 30, chapter 117, Laws of 1895 as last amended by section 87, chapter 56, Laws of 1970 ex. sess. and RCW 85.05.300; amending section 34, chapter 117, Laws of 1895 and RCW 85.05.340; amending section 1, chapter 156, Laws of 1913 as last amended by section 88, chapter 56, Laws of 1970 ex. sess. and RCW 85.05.480; amending section 1, chapter 69, Laws of 1925 ex. sess. and RCW 85.05.510; amending section 2, chapter 69, Laws of 1925 ex. sess. as amended by section 21, chapter 156, Laws of 1981 and RCW 85.05.520; amending section 3, chapter 69, Laws of 1925 ex. sess. and RCW 85.05.530; amending section 26, chapter 115, Laws of 1895 and RCW 85.06.260; amending section 27, chapter 115, Laws of 1895 as last amended by section 89, chapter 56, Laws of 1970 ex. sess. and RCW 85.06.270; amending section 31, chapter 115, Laws of 1895 and RCW 85.06.310; amending section 1, chapter 174, Laws of 1927 as last amended by section 90, chapter 56, Laws of 1970 ex. sess. and RCW 85.06.321; amending section 1, chapter 174, Laws of 1927 and RCW 85.06.327; amending section 1, chapter 103, Laws of 1935 and RCW 85.07.060; amending section 2, chapter 103, Laws of 1935 as last amended by section 91, chapter 56, Laws of 1970 ex. sess. and RCW 85.07.070; amending section 3, chapter 103, Laws of 1935 and RCW 85.07.080; amending section 6, chapter 103, Laws of 1935 and RCW 85.07.110; amending section 17, chapter 176, Laws

of 1913 as last amended by section 1, chapter 125, Laws of 1933 and RCW 85.08.240; amending section 18, chapter 176, Laws of 1913 as amended by section 24, chapter 130, Laws of 1917 and RCW 85.08.280; amending section 30, chapter 176, Laws of 1913 as last amended by section 24, chapter 156, Laws of 1981 and RCW 85.08.430; amending section 1, chapter 211, Laws of 1929 as last amended by section 1, chapter 38, Laws of 1933 ex. sess. and RCW 85.09.010; amending section 3, chapter 26, Laws of 1949 and RCW 85.16.030; amending section 13, chapter 26, Laws of 1949 as last amended by section 92, chapter 56, Laws of 1970 ex. sess. and RCW 85.16.180; amending section 17, chapter 225, Laws of 1909 and RCW 85.24.160; amending section 16, chapter 225, Laws of 1909 as last amended by section 27, chapter 156, Laws of 1981 and RCW 85.24.230; amending section 109, chapter 72, Laws of 1937 and RCW 86.09.325; amending section 188, chapter 72, Laws of 1937 and RCW 86.09.562; amending section 191, chapter 72, Laws of 1937 and RCW 86.09.571; amending section 194, chapter 72, Laws of 1937 as last amended by section 93, chapter 56, Laws of 1970 ex. sess. and RCW 86.09.580; amending section 195, chapter 72, Laws of 1937 and RCW 86.09.583; amending section 196, chapter 72, Laws of 1937 and RCW 86.09.586; amending section 200, chapter 72, Laws of 1937 as last amended by section 94, chapter 56, Laws of 1970 ex. sess. and RCW 86.09.598; amending section 202, chapter 72, Laws of 1937 and RCW 86.09.604; amending section 203, chapter 72, Laws of 1937 and RCW 86.09.607; amending section 205, chapter 72, Laws of 1937 and RCW 86.09.613; amending section 17, chapter 153, Laws of 1961 and RCW 86.15.170; amending section 8, chapter 136, Laws of 1967 ex. sess. and RCW 86.15.178; amending section 15, page 679, Laws of 1889-90 as last amended by section 1, chapter 119, Laws of 1977 ex. sess. and RCW 87.03.200; amending section 16, page 681, Laws of 1889-90 as last amended by section 2, chapter 43, Laws of 1933 and RCW 87.03.210; amending section 17, page 681, Laws of 1889-90 as last amended by section 16, chapter 209, Laws of 1981 and RCW 87.03.215; amending section 22, page 683, Laws of 1889-90 as last amended by section 1, chapter 169, Laws of 1967 and RCW 87.03.260. amending section 34, page 688, Laws of 1889-90 as last amended by section 22, chapter 129, Laws of 1921 and RCW 87.03.430; amending section 2, chapter 276, Laws of 1961 as last amended by section 1, chapter 83, Laws of 1979 and RCW 87.03.440; amending section 3, chapter 276, Laws of 1961 as amended by section 2, chapter 83, Laws of 1979 and RCW 87.03.441; amending section 41, page 692, Laws of 1889-90 as last amended by section 28, chapter 156, Laws of 1981 and RCW 87.03.470; amending section 42, page 693, Laws of 1889-90 as last amended by section 29, chapter 156, Laws of 1981 and RCW 87.03.475; amending section 11, chapter 162, Laws of 1917 as last amended by section 7, chapter 185, Laws of 1979 ex. sess. and RCW 87.03.485; amending section 12, chapter 162, Laws of 1917 as last amended by section 30, chapter 156, Laws of 1981 and RCW 87.03.490; amending section 2, chapter 128, Laws of 1935 as last amended by section 31, chapter 156, Laws of 1981 and RCW 87.03.510; amending section 15, chapter 162, Laws of 1917 as amended by section 30, chapter 129, Laws of 1921 and RCW 87.03.515; amending section 8, chapter 70, Laws of 1970 ex. sess. and RCW 87.03.522; amending section 2, chapter 161, Laws of 1923 and RCW 87.19.010; amending section 3, chapter 161, Laws of 1923 as last amended by section 96, chapter 56, Laws of 1970 ex. sess. and RCW 87.19.030; amending section 2, chapter 120, Laws of 1929 and RCW 87.22.020; amending section 3, chapter 120, Laws of 1929 and RCW 87.22.030; amending section 19, chapter 120, Laws of 1929 and RCW 87.22.145; amending section 20, chapter 120, Laws of 1929 as last amended by section 97, chapter 56, Laws of 1970 ex. sess. and RCW 87.22.150; amending section 24, chapter 120, Laws of 1929 and RCW 87.22.175; amending section 26, chapter 120, Laws of 1929 and RCW 87.22.190; amending section 37, chapter 120, Laws of 1929 as amended by section 7, chapter 42, Laws of 1931 and RCW 87.22.275; amending section 18, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.015; amending section 2, chapter 57, Laws of 1949 as last amended by section 9, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.020; amending section 5, chapter 57, Laws of 1949 as amended by section 12, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.040; amending section 6, chapter 57, Laws of 1949 as last amended by section 100, chapter 56, Laws of 1970 ex. sess. and RCW 87.28.070; amending section 8, chapter 57, Laws of 1949 as amended by section 13, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.100; amending section 11, chapter 57, Laws of 1949 and RCW 87.28.110; amending section 22, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.150; amending section 2, chapter 121, Laws of 1929 as amended by section 1, chapter 39, Laws of 1941 and RCW 87.64.010; amending section 3, chapter 121, Laws of 1929 as last

amended by section 3, chapter 39, Laws of 1941 and RCW 87.64.020; amending section 10, chapter 236, Laws of 1907 as last amended by section 101, chapter 56, Laws of 1970 ex. sess. and RCW 88.32.140; amending section 11, chapter 236, Laws of 1907 and RCW 88.32.160; amending section 12, chapter 236, Laws of 1907 and RCW 88.32.170; amending section 5, chapter 158, Laws of 1919 as last amended by section 93, chapter 75, Laws of 1977 and RCW 89.16.050; amending section 109, chapter 254, Laws of 1927 and RCW 89.30.325; amending section 138, chapter 254, Laws of 1927 and RCW 89.30.412; amending section 139, chapter 254, Laws of 1927 and RCW 89.30.415; amending section 140, chapter 254, Laws of 1927 as last amended by section 102, chapter 56, Laws of 1970 ex. sess. and RCW 89.30.418; amending section 141, chapter 254, Laws of 1927 and RCW 89.30.421; amending section 143, chapter 254, Laws of 1927 as amended by section 15, chapter 149, Laws of 1933 and RCW 89.30.427; amending section 145, chapter 254, Laws of 1927 as last amended by section 33, chapter 156, Laws of 1981 and RCW 89.30.433; amending section 173, chapter 254, Laws of 1927 and RCW 89.30.517; amending section 174, chapter 254, Laws of 1927 as last amended by section 103, chapter 56, Laws of 1970 ex. sess. and RCW 89.30.520; amending section 182, chapter 254, Laws of 1927 and RCW 89.30.544; amending section 183, chapter 254, Laws of 1927 and RCW 89.30.547; amending section 186, chapter 254, Laws of 1927 and RCW 89.30.556; amending section 206, chapter 254, Laws of 1927 and RCW 89.30.616; amending section 260, chapter 254, Laws of 1927 and RCW 89.30.778; amending section 261, chapter 254, Laws of 1927 and RCW 89.30.781; amending section 262, chapter 254, Laws of 1927 and RCW 89.30.784; amending section 45, chapter 23, Laws of 1911 and RCW 91.08.465; amending section 46, chapter 23, Laws of 1911 as last amended by section 105, chapter 56, Laws of 1970 ex. sess. and RCW 91.08.480; amending section 47, chapter 23, Laws of 1911 and RCW 91.08.485; amending section 48, chapter 23, Laws of 1911 and RCW 91.08.490; amending section 50, chapter 23, Laws of 1911 and RCW 91.08.510; amending section 13, chapter 218, Laws of 1963 as last amended by section 83, chapter ... (SHB 390), Laws of 1983 and RCW 36.68.520; amending section 18, chapter 210, Laws of 1941 as last amended by section 155, chapter ... (SHB 390), Laws of 1983 and RCW 56.16.040; adding a new chapter to Title 39 RCW; adding a new section to chapter 43.80 RCW; creating a new section; repealing section 35.41.040, chapter 7, Laws of 1965 and RCW 35.41.040; repealing section 36.67.080, chapter 4, Laws of 1963 and RCW 36.67.080; repealing section 5, chapter 170, Laws of 1895 and RCW 39.52.040; repealing section 1, chapter 218, Laws of 1941 and RCW 53.39.010; repealing section 2, chapter 218, Laws of 1941 and RCW 53.39.020; repealing section 3, chapter 218, Laws of 1941, section 82, chapter 232, Laws of 1969 ex. sess., section 72, chapter 56, Laws of 1970 ex. sess. and RCW 53.39.030; repealing section 4, chapter 218, Laws of 1941 and RCW 53.39.040; repealing section 5, chapter 218, Laws of 1941, section 1, chapter 33, Laws of 1943, section 1, chapter 62, Laws of 1947 and RCW 53.39.050; repealing section 2, chapter 33, Laws of 1943 and RCW 53.39.060; repealing section 6, chapter 218, Laws of 1941, section 3, chapter 33, Laws of 1943 and RCW 53.39.070; repealing section 7, chapter 218, Laws of 1941, section 4, chapter 33, Laws of 1943 and RCW 53.39.080; repealing section 8, chapter 218, Laws of 1941 and RCW 53.39.900; repealing section 5, chapter 33, Laws of 1943 and RCW 53.39.910; repealing section 6, chapter 33, Laws of 1943 and RCW 53.39.920; repealing section 9, chapter 218, Laws of 1941 and RCW 53.39.930; repealing section 35, chapter 117, Laws of 1895 and RCW 85.05.350; repealing section 32, chapter 115, Laws of 1895 and RCW 85.06.320; repealing section 3, chapter 103, Laws of 1935 and RCW 85.07.080; repealing section 7, chapter 161, Laws of 1923 and RCW 87.19.070; repealing section 25, chapter 120, Laws of 1929 and RCW 87.22.180; repealing section 27, chapter 120, Laws of 1929 and RCW 87.22.195; repealing section 10, chapter 57, Laws of 1949 and RCW 87.28.105; repealing section 187, chapter 254, Laws of 1927 and RCW 89.30.559; repealing section 188, chapter 254, Laws of 1927 and RCW 89.30.562; providing an effective date; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. The purposes of this chapter are to permit the state and local governments to conform with registration requirements of federal law which are necessary to exempt interest payments from federal income taxes when the state or local governments issue bonds or incur other

obligations and to authorize the establishment and maintenance of differing systems of registering bonds and other obligations as these systems are developed and recognized, which may be instituted, discontinued, and reinstated from time to time. It is further the purpose of this chapter to grant local governments an alternative flexible authority to structure and sell their bond issues and to include a variety of features on their bonds.

This act shall be liberally construed to effect its purposes.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Bond" means any agreement which may or may not be represented by a physical instrument, including notes, warrants, or certificates of indebtedness, that evidences an indebtedness of the state or a local government or a fund thereof, where the state or local government agrees to pay a specified amount of money, with or without interest, at a designated time or times to either registered owners or bearers.

(2) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi municipal corporation, including any public corporation created by such an entity.

(3) "Obligation" means an agreement that evidences an indebtedness of the state or a local government, other than a bond, and includes, but is not limited to, conditional sales contracts, lease obligations, and promissory notes.

(4) "State" includes the state, agencies of the state, and public corporations created by the state or agencies of the state.

**NEW SECTION.** Sec. 3. (1) The state and local governments are authorized to establish a system of registering the ownership of their bonds or other obligations as to principal and interest, or principal only. Registration may include, without limitation: (a) A book entry system of recording the ownership of a bond or other obligation whether or not a physical instrument is issued; or (b) recording the ownership of a bond or other obligation together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond or other obligation and either the reissuance of the old bond or other obligation or the issuance of a new bond or other obligation to the new owner.

(2) The system of registration shall define the method or methods by which transfer of the registered bonds or other obligations shall be effective, and by which payment of principal and any interest shall be made. The system of registration may permit the issuance of bonds or other obligations in any denomination to represent several registered bonds or other obligations of smaller denominations. The system of registration may also provide for any writing relating to a bond or other obligation that is not issued as a physical instrument, for identifying numbers or other designations, for a sufficient supply of certificates for subsequent transfers, for record and payment dates, for varying denominations, for communications to the owners of

bonds or other obligations, for accounting, canceled certificate destruction, registration and release of securing interests, and for such other incidental matters pertaining to the registration of bonds or other obligations as the issuer may deem to be necessary or appropriate.

(3) The state or a local government may appoint one or more of the fiscal agencies appointed from time to time by the state finance committee in accordance with chapter 43.80 RCW to act with respect to an issue of its bonds or other obligations as authenticating trustee, transfer agent, registrar, and paying or other agent and specify the rights and duties and means of compensation of any such fiscal agency so acting. The state and local governments may also enter into agreements with the fiscal agency or agencies in connection with the establishment and maintenance by such fiscal agency or agencies of a central depository system for the transfer or pledge of bonds or other obligations.

(4) Nothing in this section precludes the issuer, or a trustee appointed by the issuer pursuant to any other provision of law, from itself performing, either alone or jointly with other issuers, fiscal agencies, or trustees, any transfer, registration, authentication, payment, or other function described in this section.

NEW SECTION. Sec. 4. A local government authorized to issue bonds shall determine for the bond issue its amount, date or dates, terms not in excess of the maximum term otherwise provided in law, conditions, bond denominations, interest rate or rates, which may be fixed or variable, interest payment dates, maturity or maturities, redemption rights, registration privileges, manner of execution, price, manner of sale, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may be as provided in section 3 of this act.

NEW SECTION. Sec. 5. Each local government authorized to issue bonds is authorized to establish lines of credit with any qualified public depository to be drawn upon in exchange for its bonds or other obligations, to delegate to its fiscal officer authority to determine the amount of credit extended, and to pay interest and other finance or service charges. The interest rates on such bonds or other obligations may be a fixed rate or rates set periodically or a variable rate or rates determined by agreement of the parties.

NEW SECTION. Sec. 6. Where bonds are issued by the state or a local government as physical instruments, the bonds shall be printed, engraved, lithographed, typed, or reproduced and the manual or facsimile signatures of both a designated officer and chairperson of the governing body or chief executive shall be included on each bond.

NEW SECTION. Sec. 7. The proceeds of any bonds issued by the state or a local government may be used to pay incidental costs and costs related to the sale and issuance of the bonds. Such costs include payments for fiscal and legal expenses, obtaining bond ratings, printing, engraving, advertising,



establishing and funding reserve accounts and other accounts, an amount for working capital, capitalized interest for up to six months, necessary and related engineering, architectural, planning, and inspection costs, and other similar activities or purposes.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall be deemed to provide a complete, additional, and alternative method for the performance of those subjects authorized by these sections and shall be regarded as supplemental and additional to powers conferred by other state laws. Whenever bonds and other obligations are issued and sold in conformance with sections 1 through 7 of this act, such issuance and sale need not comply with contrary requirements of other state laws applicable to the issuance and sale of bonds or other obligations.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 10. The local government committees of the house of representatives and the senate shall cooperate in a study of the provisions of the law related to debt limits, and the issuance and sale of bonds, notes, warrants and other obligations of the state and units of local government. The committees shall report their initial findings and recommended legislation on or before January 1, 1984 and shall submit a final report and any recommended legislation on or before January 1, 1985.

NEW SECTION. Sec. 11. There is added to chapter 43.80 RCW a new section to read as follows:

(1) The fiscal agencies designated pursuant to RCW 43.80.110 and 43.80.120 may be appointed by the state or a local government to act as registrar, authenticating agent, transfer agent, paying agent, or other agent in connection with the issuance by the state or local government of registered bonds or other obligations pursuant to a system of registration as provided by section 3 of this 1983 act and may establish and maintain on behalf of the state or local government a central depository system for the transfer or pledge of bonds or other obligations. The term "local government" shall be as defined in section 2 of this 1983 act.

(2) Whenever in the judgment of the fiscal agencies, certain services as registrar, authenticating agent, transfer agent, paying agent, or other agent in connection with the establishment and maintenance of a central depository system for the transfer or pledge of registered public obligations, or in connection with the issuance by any public entity of registered public obligations pursuant to a system of registration as provided in chapter .... RCW (sections 1 through 8 of this 1983 act), can be secured from private sources more economically than by carrying out such duties themselves, they may contract out all or any of such services to such private entities as such fiscal agencies deem capable of carrying out such duties in a responsible manner.

Sec. 12. Section 11, chapter 154, Laws of 1915 as last amended by section 2, chapter 56, Laws of 1970 ex. sess. and RCW 8.12.400 are each amended to read as follows:

(1) Such bonds shall be issued only in pursuance of ordinances of the city directing the issuance of the same, and by their terms shall be made payable on or before a date not to exceed twelve years from and after their date, which latter date may be fixed by resolution or ordinance by council or other legislative body of said city and shall bear interest at such rate or rates as may be authorized by the council or other legislative body of said city, which interest shall be payable annually, or semiannually, as may be provided by resolution or ordinance(~~(, and each bond shall have attached thereto interest coupons for each interest payment)~~): PROVIDED, That the legislative body of any city of the first class having a population of three hundred thousand inhabitants, or more, issuing any bonds hereunder may by ordinance, passed by unanimous vote, authorize the issuance of such bonds payable on or before a date not to exceed twenty-two years from and after the date of the issue of such bonds, and shall in such ordinance provide that said bonds shall be sold at not less than par and shall bear interest at such rate or rates as may be authorized by the legislative body.

Such bonds shall be in such denominations as shall be provided in the resolution or ordinance authorizing their issuance and shall be numbered from one upwards, consecutively, and each bond and any coupon shall be signed by the mayor and attested by the clerk or comptroller of such city: PROVIDED, HOWEVER, That ((said)) any coupons may in lieu of being so signed have printed thereon a facsimile of the signature of said officers and each bond shall have the seal of such city affixed thereto and shall refer to the improvement to pay for which the same shall be issued and to the ordinance authorizing the same. Each bond shall provide that the principal sum therein named, and the interest thereon, shall be payable out of the local improvement fund created for the payment of the cost and expense of such improvement, and not otherwise. Such bonds shall not be issued in any amount in excess of the cost and expense of the improvement. The bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 13. Section 12, chapter 154, Laws of 1915 and RCW 8.12.410 are each amended to read as follows:

(1) The bonds issued under the provisions of this chapter or any portion thereof may be sold by any authorized officer or officers of the city at not less than their par value and accrued interest, and the proceeds thereof shall be applied in payment of the awards, interest and costs of the improvement.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 14. Section 15, chapter 154, Laws of 1915 and RCW 8.12.440 are each amended to read as follows:

If the city shall fail, neglect or refuse to pay said bonds or to promptly collect any such assessments when due, the owner of any such bonds may proceed in his own name to collect such assessment and foreclose the lien thereof in any court of competent jurisdiction, and shall in addition to the principal of such bonds and interest thereon, recover five percent of such sum, together with the costs of such suit. Any number of (~~holders~~) owners of such bonds for any single improvement may join as plaintiffs and any number of owners of the property on which the same are a lien may be joined as defendants in such suit.

Sec. 15. Section 18, chapter 154, Laws of 1915 and RCW 8.12.460 are each amended to read as follows:

The city treasurer shall pay the interest on the bonds authorized to be issued by this chapter out of the respective local improvement funds from which they are payable. Whenever there shall be sufficient money in any local improvement fund against which bonds have been issued under the provisions of this chapter, over and above sufficient for the payment of interest on all unpaid bonds, to pay the principal of one or more bonds, the treasurer shall call in and pay such bonds. Such bonds shall be called in and paid in their numerical order, commencing with number one. Such call shall be made by publication in the city official newspaper in its first publication following the delinquency of the installment of the assessment or as soon thereafter as is practicable, and shall state that bonds No. . . . . (giving the serial numbers of the bonds called) will be paid on the day the next interest (~~coupons~~) payments on said bonds shall become due, and interest on said bonds shall cease upon such date: PROVIDED, That in any city (~~or town~~) not having an official newspaper, such publication may be made in any newspaper of general circulation published therein, or in case there be no such newspaper, then in a newspaper published in the county in which such city (~~or town~~) is located and of general circulation in such city (~~or town~~).

Sec. 16. Section 1, chapter 53, Laws of 1957 as last amended by section 3, chapter 56, Laws of 1970 ex. sess. and RCW 14.08.112 are each amended to read as follows:

(1) Municipalities, including any governmental subdivision which may be hereafter authorized by law to own, control and operate an airport or other air navigation facility, are hereby authorized to issue revenue bonds to provide part or all of the funds required to accomplish the powers granted them by chapter 14.08 RCW, and to construct, acquire by purchase or

condemnation, equip, add to, extend, enlarge, improve, replace and repair airports, facilities and structures thereon including but not being limited to facilities for the servicing of aircraft and for the comfort and accommodation of air travelers, and other properties incidental to the operation of airports and to pay all costs incidental thereto.

The legislative body of the municipality shall create a special fund for the sole purpose of paying the principal of and interest on the bonds of each issue, into which fund the legislative body shall obligate the municipality to pay an amount of the gross revenue derived from its ownership, control, use and operation of the airport and all airport facilities and structures thereon and used and operated in connection therewith, including but not being limited to fees charged for all uses of the airport and facilities, rentals derived from leases of part or all of the airport, buildings and any or all air navigation facilities thereon, fees derived from concessions granted, and proceeds of sales of part or all of the airport and any or all buildings and structures thereon or equipment therefor, sufficient to pay the principal and interest as the same shall become due, and to maintain adequate reserves therefor if necessary. Revenue bonds and the interest thereon shall be payable only out of and shall be a valid claim of the ~~((holder))~~ owner thereof only as against the special fund and the revenue pledged to it, and shall not constitute a general indebtedness of the municipality.

Each revenue bond and any interest coupon attached thereto shall name the fund from which it is payable and state upon its face that it is only payable therefrom; however, all revenue bonds and any interest coupons issued under RCW 14.08.112 and 14.08.114 shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state. Each issue of revenue bonds may be bearer coupon bonds or may be registered either as to principal only or as to principal and interest as provided in section 3 of this 1983 act; shall be in the denomination or denominations the legislative body of the municipality shall deem proper; shall be payable at the time or times and at the place or places as shall be determined by the legislative body; shall bear interest at such rate or rates as authorized by the legislative body; shall be signed on behalf of the municipality by the chairman of the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority, mayor of the city or town, president of the port commission, and similar officer of any other municipality, shall be attested by the county auditor, the clerk or comptroller of the city or town, the secretary of the port commission, and similar officer of any other municipality, one of which signatures may be a facsimile signature, and shall have the seal of the municipality impressed thereon; ~~((each-of-the))~~ any interest coupons attached thereto shall be signed by the facsimile signatures of said officials. Revenue bonds shall be sold in the manner as the legislative body of the municipality shall deem best, either at public or private sale.

The municipality at the time of the issuance of revenue bonds may provide covenants as it may deem necessary to secure and guarantee the payment of the principal thereof and interest thereon, including but not being limited to covenants to create a reserve fund or account and to authorize the payment or deposit of certain moneys therein for the purpose of securing or guaranteeing the payment of the principal and interest, to establish and maintain rates, charges, fees, rentals and sales prices sufficient to pay the principal and interest and to maintain an adequate coverage over annual debt service, to appoint a trustee for the ((bondholders)) bond owners and a trustee for the safeguarding and disbursing of the proceeds of sale of the bonds and to fix the powers and duties of the trustee or trustees, and to make any and all other covenants as the legislative body may deem necessary to its best interest and that of its inhabitants to accomplish the most advantageous sale possible of the bonds. The legislative body may also provide that revenue bonds payable out of the same source or sources may later be issued on a parity with revenue bonds being issued and sold.

The legislative body of the municipality may include an amount for working capital and an amount necessary for interest during the period of construction of the airport or any facilities plus six months, in the principal amount of any revenue bond issue; if it deems it to the best interest of the municipality and its inhabitants, it may provide in any contract for the construction or acquisition of an airport or facilities that payment therefor shall be made only in revenue bonds at the par value thereof.

If the municipality or any of its officers shall fail to carry out any of its or their obligations, pledges or covenants made in the authorization, issuance and sale of bonds, the ((holder)) owner of any bond or the trustee may bring action against the municipality and/or said officers to compel the performance of any or all of the covenants.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 17. Section 2, chapter 53, Laws of 1957 as last amended by section 4, chapter 56, Laws of 1970 ex. sess. and RCW 14.08.114 are each amended to read as follows:

When any municipality has outstanding revenue bonds or warrants payable solely from revenues derived from the ownership, control, use and operation of the airport and all its facilities and structures thereon used and operated in connection therewith, the legislative body thereof may provide for the issuance of funding or refunding bonds to fund or refund outstanding warrants or bonds or any part thereof at or before maturity, and may combine various outstanding warrants and various series and issues of outstanding bonds in the amount thereof to be funded or refunded and may issue funding or refunding bonds to pay any redemption premium and interest payable on the outstanding revenue warrants or bonds being funded

or refunded. The legislative body of the municipality shall create a special fund for the sole purpose of paying the principal of and interest on funding or refunding bonds, into which fund the legislative body shall obligate the municipality to pay an amount of the gross revenue derived from its ownership, control, use and operation of the airport and all airport facilities and structures thereon as provided in RCW 14.08.112, sufficient to pay the principal and interest as the same shall become due, and to maintain adequate reserves therefor if necessary. Bonds and the interest thereon shall be payable only out of and shall be a valid claim of the ~~((holder))~~ owner thereof only as against the special fund and the revenue pledged to it, and shall not constitute a general indebtedness of the municipality.

The net interest cost to maturity on funding or refunding bonds shall be at such rate or rates as shall be authorized by the legislative body.

The municipality may exchange funding or refunding bonds at par for the warrants or bonds which are being funded or refunded, or it may sell the funding or refunding bonds in the manner as it shall deem for the best interest of the municipality and its inhabitants, either at public or private sale. Funding or refunding bonds shall be governed by and issued under and in accordance with the provisions of RCW 14.08.112 with respect to revenue bonds unless there is a specific provision to the contrary in this section.

Sec. 18. Section 26, chapter 153, Laws of 1957 as last amended by section 4, chapter 195, Laws of 1973 1st ex. sess. and RCW 17.28.260 are each amended to read as follows:

(1) A mosquito control district shall have the power to issue general obligation bonds and to pledge the full faith and credit of the district to the payment thereof, for any authorized purpose or purposes of the mosquito control district: PROVIDED, That a proposition authorizing the issuance of such bonds shall have been submitted to the electors of the mosquito control district at a special or general election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said mosquito control district at the last preceding county or state general election.

General obligation bonds shall bear interest at a rate or rates as authorized by the board of trustees. The various annual maturities shall commence not more than two years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall never be issued to run for a longer period than ten years from the date of issue and may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

The bonds shall be signed by the presiding officer of the board of trustees of the district and shall be attested by the secretary of the board, one of

which signatures may be a facsimile signature and the seal of the mosquito control district shall be impressed thereon. ~~((Each of the))~~ Any interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities ~~((of the first class))~~ and towns and at a price not less than par and accrued interest.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual payments of the principal and interest on the said bonds maturing as herein provided upon all taxable property within the mosquito control district.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 19. Section 6, chapter 59, Laws of 1955 as amended by section 1, chapter 100, Laws of 1980 and RCW 27.12.060 are each amended to read as follows:

(1) The board of library trustees of this district may contract indebtedness, and evidence it by issuing and selling, at par plus accrued interest, ~~((coupon warrants))~~ general obligation bonds of the district in such form as the board of library trustees shall determine, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. ~~((Such warrants may be issued in advance of the tax levy.))~~ Such ~~((warrants))~~ bonds, signed by the chairman and the secretary of the board of library trustees, shall be payable at such times as the board of library trustees shall provide, but shall not ~~((longer than))~~ have maximum term in excess of six years ~~((from the date thereof)).~~

The ~~((warrants))~~ bonds shall ~~((be payable to bearer and shall have interest coupons attached providing))~~ provide for the payment of interest semiannually on the first day of January and of July. At the option of the district board, the aggregate amount of ~~((coupon warrants))~~ bonds may include a sum sufficient to pay the annual interest for a period not exceeding one year from the issuing date of the ~~((coupon warrants))~~ bonds and, in that event, such interest shall be taken from the proceeds of the sale of the ~~((coupon warrants))~~ bonds and immediately placed in the ~~(( coupon warrant))~~ general obligation bond fund of the district for payment of ~~((the))~~ interest ~~((coupons maturing))~~ becoming due during the first year of the ~~((coupon warrants. The issuance thereof shall be recorded in the office of the county treasurer in a book kept for that purpose. All district warrants of every kind shall outlaw and become void after six years from their maturity date but only if there is money in the proper fund available for their payment within such period))~~ bonds.

(2) Notwithstanding subsection (1) of this section, such general obligation bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

(3) A rural county library district shall be a public corporation with such powers as are necessary to carry out its functions and for taxation purposes shall have the power vested in municipal corporations for such purposes.

Sec. 20. Section 2, chapter 59, Laws of 1955 as last amended by section 6, chapter 56, Laws of 1970 ex. sess. and RCW 27.12.223 are each amended to read as follows:

(1) Bonds authorized by RCW 27.12.222 shall be serial in form and maturity and numbered from one upward consecutively. Only bond No. 1 of any issue shall be of a denomination other than a multiple of one hundred dollars. The resolution authorizing the issuance of the bonds shall fix the rate or rates of interest the bonds shall bear, and the place and date of payment of principal and interest. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. The bonds shall be signed by the chairman of the board of library trustees and attested by the secretary. Any coupons in lieu of being signed may bear the facsimile signature of such officers. Bonds shall be sold in such manner as the board of library trustees deems for the best interests of the district. All such bonds shall be legal securities for any bank or trust company for deposit with the state treasurer or any county or city treasurer as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 21. Section 28A.51.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 170, Laws of 1980 and RCW 28A.51.010 are each amended to read as follows:

The board of directors of any school district may borrow money and issue negotiable ((coupon)) bonds therefor for the purpose of:

- (1) Funding outstanding indebtedness or bonds theretofore issued; or
- (2) For the purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or
- (3) For erecting all buildings authorized by law, including but not limited to those mentioned in subparagraph (2) immediately above or necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor; or
- (4) For improving the energy efficiency of school district buildings and/or installing systems and components to utilize renewable and/or inexhaustible energy resources; or



(5) For major and minor structural changes and structural additions to buildings, structures, facilities and sites necessary or proper to carrying out the functions of the school district; or

(6) For any or all of these purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed the limitation of indebtedness prescribed by chapter 39.36 RCW, as now or hereafter amended.

Bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.

The bonds so issued shall be in such form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act, for such terms, bear such rate or rates of interest, be sold in such manner, and be payable and redeemable, as the board of directors shall determine in accordance with this chapter and chapter 39.44 RCW; PROVIDED, That such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 22. Section 28A.51.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.030 are each amended to read as follows:

(1) Upon receipt of a resolution from the board of directors of any school district authorizing the sale of all or any part of bonds authorized by an election as provided for in RCW 28A.51.020, the county treasurer of the county to which said school district belongs shall publish notice of the sale of the said bonds in accordance with the provisions of RCW 39.44.030. Said notices, in addition to such information as required in RCW 39.44.030, must give the amounts of bonds to be sold, the time to run, where payable, the option, if any, of the district to redeem, also naming the hour and day for considering bids, and asking bidders to name the price and rates of interest at which they will purchase such bonds or any of them. Such bonds may be issued in such denominations as provided for in RCW 39.44.011, and shall contain upon their faces the date and series of issue, rate or rates of interest, where payable, time to run, option, if any, of district to redeem and that the whole indebtedness of said district does not exceed the constitutional limit. Each bond so issued must be registered by the county treasurer, in a book to be kept for that purpose, which must show the number and such data as is necessary to secure a complete record of such bond, the series and amount of such bond, the person to whom the same is issued, the number of the district issuing, together with the names of directors signing the same; and the said bond shall be indorsed and bear a statement on the back thereof as provided in RCW 39.44.102; PROVIDED, That in the case of joint school districts the bond or bonds shall be registered by the treasurer of each county in which any part of such school district shall lie; PROVIDED, That these bonds may be registered as provided in section 3 of this 1983 act in lieu of being so registered with the county treasurer.

(2) Notwithstanding subsection (1) of this section, such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 23. Section 28A.51.055, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.055 are each amended to read as follows:

In addition to the authorization of the use of facsimile signatures in chapter 39.44 RCW, the board of directors of any school district authorized by vote of the electorate to issue bonds for capital purposes or the payment of validated indebtedness, or any officer required by law to sign such bonds, in the manner in RCW 28A.51.055 through 28A.51.058 provided, may authorize one or more bonded persons to affix the signature of the designating officer to such bonds and any coupons. When the signature of such officer is so affixed to any such bond or bonds pursuant to such designation, the bond or bonds shall bind the school district and all persons concerned as though the signature were made by the designating officer.

Sec. 24. Section 28A.51.070, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 257, Laws of 1979 ex. sess. and RCW 28A.51.070 are each amended to read as follows:

(1) At the time named in said notice it shall be the duty of said board of directors to meet with the county treasurer at his office, and with him open said bids, and sell said bonds or any portion thereof to the person or persons making the most advantageous offer: PROVIDED, That said bids and the acceptance or rejection thereof and the sale of such bonds shall be in conformance with the provisions of RCW 39.44.030. Upon the sale of the bonds, the board of directors, as soon thereafter as practicable, shall deliver the bonds, properly executed, to the county treasurer, taking his receipt therefor. The county treasurer, upon payment of the price agreed upon, shall deliver the same to the person or persons to whom sold, and place the moneys arising from such sale to the credit of the general school fund of the district: PROVIDED. That where the bonds have been sold for the purchase of a schoolhouse site or sites or building one or more schoolhouses and providing the same with all necessary furniture, apparatus or equipment, or for any or all of these purposes, he shall place the money derived from such sale to the credit of the building fund of the district, and such fund is hereby created. The board of directors may provide that costs incurred relating to the sale and issuance of the bonds shall be paid from the bond proceeds. If the board of directors and the person or persons to whom the bonds are sold agree that the delivery of said bonds shall be in installments, the county treasurer shall hold said bonds, and deliver to purchasers only on written order of the board of directors to deliver at specified times the bonds designated by number and series.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 25. Section 28A.51.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.180 are each amended to read as follows:

(1) Whenever any bonds lawfully issued by any school district under the provisions of this chapter shall reach maturity and shall remain unpaid, or may be paid under any option provided in the bonds, the board of directors thereof shall have the power without any vote of the school district to fund the same by issuing (~~coupon~~) bonds conformable to the requirements of this chapter and sell the same at not less than their par value and use the proceeds exclusively for the purpose of retiring and canceling such outstanding bonds as aforesaid, or the said directors in their discretion may exchange such refunding bonds par for par for such outstanding bonds: PROVIDED, That such bonds shall be issued in such denominations as the school district issuing such bonds in its discretion shall determine and in accordance with RCW 39.44.011, shall be redeemable within the time provided by RCW 39.44.070, shall be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act, and shall draw a rate of interest not to exceed that allowed by law and as the school district issuing such bonds so designates.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 26. Section 28A.51.190, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.190 are each amended to read as follows:

Every holder of any of the bonds so issued as a bearer bond as provided in this chapter, within ten days after he shall become the owner or holder thereof, shall notify the county treasurer of the county in which such bonds are issued of his ownership, together with his full name and post office address, and the county treasurer of said county, in addition to the published notice in RCW 28A.51.210 provided for, shall deposit in the post office, properly stamped and addressed to each owner (~~or holder~~) of any such bonds subject to redemption or payment, a notice in like form, stating the time and place of the redemption of such bonds and the number of the bonds to be redeemed, and in case any owners of bonds shall fail to notify the treasurer of their ownership as aforesaid, then a notice mailed to the last holder of such bonds shall be deemed sufficient, and any and all such notices so mailed as aforesaid shall be deemed to be personal notice to the holders of such bonds, and at the expiration of the time therein named shall have the force to suspend the interest upon any such bonds.

Sec. 27. Section 28A.51.220, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.220 are each amended to read as follows:

If bonds issued under this chapter are not sold as in this chapter provided, the (~~holders~~) owners of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the date of the election may exchange said warrants at the face value thereof and accrued interest

thereon for (~~coupon~~) bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors of such district.

Sec. 28. Section 28A.52.050, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 43, Laws of 1975 and RCW 28A.52.050 are each amended to read as follows:

(1) If the indebtedness of such school district is validated and ratified, as provided in this chapter, by three-fifths of the voters voting at such election, the board of directors of such school district, without any further vote, may borrow money and issue negotiable (~~coupon~~) bonds therefor in accordance with the provisions of chapter 39.44 RCW. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

Except as provided in RCW 39.44.100 for facsimile signatures, in all school districts of the second class, said bonds(~~(, with the coupons,)~~) must be signed by the board of directors and countersigned by the school district superintendent and in school districts of the first class said bonds, (~~with the~~) and any coupons, must be signed in the corporate name of the district by the president of the board of directors thereof.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 29. Section 28A.52.055, chapter 223, Laws of 1969 ex. sess. and RCW 28A.52.055 are each amended to read as follows:

When authorized to issue bonds, as provided in this chapter, the board of directors shall, at a meeting of such board, by resolution provide for the issue, sale, and disposition of the proceeds from the sale of such bonds, and the payment of interest and principal thereon, all in accordance with the provisions of chapter 39.44 RCW, and the money arising from the sale of the bonds issued under this chapter shall be applied as provided in RCW 28A.52.050: PROVIDED, That such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 30. Section 28A.52.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.52.060 are each amended to read as follows:

If bonds issued under this chapter are not sold as herein provided, the (~~holders~~) owners of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the time of the adoption of the resolution mentioned in RCW 28A.52.020, may exchange said warrants at the face value thereof and accrued interest thereon for (~~coupon~~) bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under

such regulations as may be provided by the board of directors of such district.

Sec. 31. Section 28B.10.310, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 25, Laws of 1972 ex. sess. and RCW 28B.10.310 are each amended to read as follows:

Each issue or series of such bonds: Shall be sold at such price and at such rate or rates of interest; may be serial or term bonds; may mature at such time or times in not to exceed forty years from date of issue; may be sold at public or private sale; may be payable both principal and interest at such place or places; may be subject to redemption prior to any fixed maturities; may be in such denominations; may be payable to bearer or to the purchaser or purchasers thereof or may be registrable as to principal or principal and interest (~~(at the option of the holder)~~) as provided in section 3 of this 1983 act; may be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon, which may include the creation and maintenance of a reserve fund or account to secure the payment of such principal and interest and a provision that additional bonds payable out of the same source or sources may later be issued on a parity therewith, and such other terms, conditions, covenants and protective provisions safeguarding such payment, all as determined and found necessary and desirable by said boards of regents or trustees. If found reasonably necessary and advisable, such boards of regents or trustees may select a trustee for the owners (~~(and holders)~~) of each such issue or series of bonds and/or for the safeguarding and disbursements of the proceeds of their sale for the uses and purposes for which they were issued and, if such trustee or trustees are so selected, shall fix its or their rights, duties, powers, and obligations. The bonds of each such issue or series: Shall be executed on behalf of such universities or colleges by the president of the board of regents or the chairman of the board of trustees, and shall be attested by the secretary or the treasurer of such board, one of which signatures may be a facsimile signature; and shall have the seal of such university or college impressed, printed, or lithographed thereon, and ~~((the))~~ any interest coupons attached thereto shall be executed with the facsimile signatures of said officials. The bonds of each such issue or series and ~~((each))~~ any of the coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state even though they shall be payable solely from any special fund or funds.

Sec. 32. Section 28B.10.315, chapter 223, Laws of 1969 ex. sess. as last amended by section 23, chapter 56, Laws of 1970 ex. sess. and RCW 28B.10.315 are each amended to read as follows:

Such boards of regents or trustees may from time to time provide for the issuance of funding or refunding revenue bonds to fund or refund at or

prior to maturity any or all bonds of other indebtedness, including any premiums or penalties required to be paid to effect such funding or refunding, heretofore or hereafter issued or 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.

Such funding or refunding bonds and (~~each of the~~) any coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state.

Such funding or refunding bonds may be exchanged for or applied to the payment of the bonds or other indebtedness being funded or refunded or may be sold in such manner and at such price, and at such rate or rates of interest as the boards of regents or trustees deem advisable, either at public or private sale.

The provisions of this chapter relating to the maturities, terms, conditions, covenants, interest rate, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

Sec. 33. Section 28B.20.396, chapter 223, Laws of 1969 ex. sess. as last amended by section 25, chapter 56, Laws of 1970 ex. sess. and RCW 28B.20.396 are each amended to read as follows:

Bonds issued pursuant to the authority granted under subdivision (4) of RCW 28B.20.392—

(1) shall not constitute (a) an obligation, either general or special, of the state or (b) a general obligation of the University of Washington or of the board;

(2) shall be—

(a) either (~~registered or~~) in (~~coupon~~) bearer form or in registered form as provided in section 3 of this 1983 act, and

(b) issued in denominations of not less than one hundred dollars;

(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 only out of a special fund established for the purpose, and designate the fund;

(4) shall bear interest, payable either annually, or semiannually as the board may determine;

(5) shall be payable solely out of—

(a) revenue derived from operating, managing and leasing the university tract, and

(b) a special fund, created by the board for the purpose, consisting either of (i) a fixed proportion, or (ii) a fixed amount out of and not exceeding a fixed proportion, or (iii) a fixed amount without regard to any fixed proportion, of the revenue so derived;

(6) may contain covenants by the board in conformity with the provisions of RCW 28B.20.398(2);

(7) shall be payable at such times over a period of not to exceed thirty years, in such manner and at such place or places as the board determines;

(8) shall be executed in such manner as the board by resolution determines;

(9) shall be sold in such manner as the board deems for the best interest of the University of Washington.

Sec. 34. Section 28B.20.398, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.398 are each amended to read as follows:

(1) Any resolution of the board pursuant to the provisions of subdivision (4) of RCW 28B.20.392 shall provide for the creation of a special fund, in conformity with the provisions of subdivision (5)(b) of RCW 28B.20.396.

(2) Any resolution authorizing the issuance of bonds pursuant to the provisions of RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398 may contain covenants of the board to protect and safeguard the security and rights of the ((holders)) owners of any such bonds such as are then customary in connection with similar bonds and considered advisable in order to assure the maximum marketability for said bonds. Without limiting the generality of the foregoing, any such resolution may contain covenants as to——

(a) the creation of a special fund into which the proceeds of all bonds issued pursuant to the provisions of such resolution shall be deposited, the terms and conditions upon which payments may be made from such special fund, and for the payment of interest on bonds issued pursuant to such resolution from the moneys in said fund;

(b) maintaining rental and leasehold rates and other charges at a level sufficient at all times to provide revenue (i) to pay the interest on and principal of all bonds and other obligations payable from said revenue, (ii) to make all other payments from said revenues required under the provisions of any resolution adopted in connection with the issuance of warrants or bonds under RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398 and (iii) to pay the operating, management, maintenance, repair and upkeep costs of the university tract;

(c) collection, deposit, custody and disbursement of the revenues from the university tract or any portions thereof including (i) a specification of the depositaries to be designated, and (ii) authorization of such depositaries, or other banks or trust companies, to act as fiscal agent of the board for the custody of the proceeds of bonds and the moneys held in any funds created pursuant to RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398, or any resolution authorizing such bonds, and to represent ((bondholders)) bond owners in the event of a default on such bonds or in the event of a

default in the performance of any duty or obligation of the board in connection therewith, with such power and duty as such resolution may provide;

(d) creation and administration of reserve and other funds for the payment, at or prior to maturity, of any indebtedness chargeable against the revenues from the university tract and for creation of working funds, depreciation funds, replacement funds, reserves for extraordinary repairs and any other fund deemed necessary or desirable to insure the continued profitable operation of the said university tract;

(e) deposit of collateral security or indemnity bonds to secure the proceeds (i) of bonds issued pursuant to the provisions of such resolution and (ii) of all revenues which are pledged to secure the repayment of bonds issued pursuant to the provisions of such resolution and (iii) of all moneys deposited in any special fund created under the authority of RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398 or any covenant thereunder;

(f) the obligation of the board to maintain the building or buildings in good condition and to operate and manage the same in an economical and efficient manner;

(g) the amount and kind of insurance to be carried by the board in connection with the building or buildings, the companies in which such insurance shall be carried, the term thereof, the application of the proceeds of any such insurance, and adjustments of losses under any such policy of insurance;

(h) limitations upon the amount of additional bonds, warrants and other obligations payable out of the revenues from the building or buildings which may be thereafter issued and the terms and conditions upon which such additional bonds, warrants or other obligations may be issued;

(i) limitations upon the creation of additional liens or encumbrances on the building or buildings or the personal property used in connection therewith;

(j) the terms and conditions upon which the building or buildings, or any part thereof, may be sold, mortgaged, leased or otherwise disposed of, and the use or other disposition of the proceeds of any such sale, mortgage or lease;

(k) the methods of operation, management and maintenance of the building or buildings;

(l) accounting and auditing and the keeping of records, reports and audits with respect to the building or buildings;

(m) the amendment or modification of any resolution authorizing the issuance of bonds pursuant to the provisions of RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398, including the terms and conditions upon which such amendment or modification may be effected and the number, amount or percentage of assenting bonds necessary to effectuate the same;



(n) limitations upon the use of space or facilities in the building or buildings without payment therefor; and

(o) such other matters as may be necessary or desirable to insure a successful and profitable operation of the building or buildings.

(3) The term "building or buildings" as used in subdivision (2) of this section means the building or buildings or improvements upon the university tract with respect to which the revenues are pledged, under the terms of the resolution, to secure the payment of bonds issued under such resolution.

(4) The provisions of RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398 and of any resolution adopted in conformity with the provisions of this section shall constitute a contract with the (~~holders~~) owners of warrants or bonds issued pursuant thereto, and the provisions thereof shall be enforceable in any court of competent jurisdiction by any owner (~~or holder~~) of such warrants or bonds by mandamus or any other appropriate suit, action or proceeding at law or in equity.

(5) Bonds issued pursuant to the provisions of RCW 28B.20.390, 28B.20.392, 28B.20.396 and 28B.20.398 may be redeemed, at the option of the board, at such time or times, upon such terms and conditions, and at such premiums as the board specifies in the resolution.

(6) If the board fails to pay the required amounts into the special fund, established in conformity with subdivision (2) of this section, the (~~holder~~) owner of any bond or bonds affected thereby may maintain an action against the board to compel compliance with the terms of the resolution in this respect.

(7) Pending the preparation and execution of any bonds the issuance of which is authorized under the provisions of subdivision (2), temporary bonds may be issued in such form as the board determines.

Sec. 35. Section 35.22.590, chapter 7, Laws of 1965 and RCW 35.22.590 are each amended to read as follows:

(1) Whenever the issuance or sale of bonds or other obligations of any city of the first class has been authorized by vote of the people, as provided by any existing charter or laws, for any special improvement or purpose, the proceeds of the sale of such bonds including premiums if any shall be carried in a special fund to be devoted to the purpose for which such bonds were authorized, and no portion of such bonds shall be transferred or diverted to any other fund or purpose: PROVIDED, That nothing herein shall be held to prevent the transfer to the interest and redemption fund of any balance remaining in the treasury after the completion of such improvement or purpose so authorized: PROVIDED FURTHER, That nothing herein shall prevent the city council from disposing of such bonds, or any portion thereof, in such amounts and at such times as it shall direct, but no such bonds shall be sold for less than par. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 36. Section 35.37.090, chapter 7, Laws of 1965 and RCW 35.37-.090 are each amended to read as follows:

(1) All general indebtedness bonds and any coupons shall be printed, engraved, or lithographed on good bond paper, signed by the mayor and attested by the clerk under the seal of the city or town. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 37. Section 35.37.100, chapter 7, Laws of 1965 and RCW 35.37-.100 are each amended to read as follows:

General indebtedness bonds shall be sold in the manner the city or town authorities deem for the best interest of the city or town. ~~((The city or town treasurer shall keep a register of all bonds showing the number, date, amount, interest, name of payee, and when and where payable of every bond executed, issued and sold under this chapter.))~~

Sec. 38. Section 35.37.120, chapter 7, Laws of 1965 and RCW 35.37-.120 are each amended to read as follows:

If the council of any city or town which has issued general indebtedness bonds fails to make any levy necessary to ~~((pay))~~ make principal or interest payments due on the bonds ((and interest coupons at maturity)), the owner of any bond or ~~((coupon))~~ interest payment which has been presented to the treasurer and payment thereof refused because of the failure to make a levy may file the bond together with ~~((all))~~ any unpaid coupons with the county auditor, taking his receipt therefor.

The county auditor shall register bonds so filed ~~((in like manner and form as they were originally registered by the city or town treasurer of the city or town which issued them)),~~ and the county ~~((commissioners))~~ legislative authority at ((their)) its next session at which ~~((they levy))~~ it levies the annual county tax shall add to the city's or town's levy a sum sufficient to realize the amount of principal and interest past due and to become due prior to the next annual levy to be collected and held by the county treasurer and paid out only upon warrants drawn by the county auditor as the payments mature in favor of the owner of the bond as shown by the auditor's register. Similar levies shall be made in each succeeding year until the bonds and any coupons or interest payments are fully satisfied.

This remedy is alternative and in addition to any other remedy which the owner of such a bond or coupon may have.

Sec. 39. Section 35.41.030, chapter 7, Laws of 1965 as last amended by section 2, chapter 223, Laws of 1971 ex. sess. and RCW 35.41.030 are each amended to read as follows:

If the legislative body of a city or town deems it advisable to purchase, lease, condemn, or otherwise acquire, construct, develop, improve, extend, or operate any land, building, facility, or utility, and adopts an ordinance authorizing such purchase, lease, condemnation, acquisition, construction, development, improvement and to provide funds for defraying all or a portion of the cost thereof from the proceeds of the sale of revenue bonds, and such ordinance has been ratified by the voters of the city or town in those instances where the original acquisition, construction, or development of such facility or utility is required to be ratified by the voters under the provisions of RCW 35.67.030 and 35.92.070, such city or town may issue revenue bonds against the special fund or funds created solely from revenues. The revenue bonds so issued shall:

(1) Be registered bonds, as provided in section 3 of this 1983 act, or ((coupon)) bearer bonds;

(2) Be issued in such denominations as determined by the legislative body of the city or town;

(3) Be numbered from one upwards consecutively;

(4) Bear the date of their issue;

(5) Be serial or term bonds and the final maturity thereof shall not extend beyond the reasonable life expectancy of the facility or utility;

(6) Bear interest at such rate or rates as authorized by the legislative body of the city or town, with interest coupons attached unless such bonds are registered as to interest, in which no case no interest coupons need be attached;

(7) Be payable as to principal and interest at such place or time as may be designated therein;

(8) State upon their face that they are payable from a special fund, naming it, and the ordinance creating it, and that they do not constitute a general indebtedness of the city or town;

(9) Be signed by the mayor and bear the seal of the city or town and be attested by the clerk: PROVIDED, That the facsimile signatures of the mayor and clerk may be used when the ordinance authorizing the issuance of such bonds provides for the signatures thereof by an authenticating officer; and

(10) Be printed upon good bond paper: PROVIDED, That notwithstanding the provisions of this section, such revenue bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 40. Section 35.41.050, chapter 7, Laws of 1965 and RCW 35.41-.050 are each amended to read as follows:

(1) Revenue warrants may be issued and such warrants and interest thereon may be payable out of the special fund or refunded through the proceeds of the sale of revenue bonds. Every revenue warrant and the interest thereon issued against the special fund shall be a valid claim of the ~~((holder))~~ owner thereof only as against that fund and the amount of revenue pledged to the fund, and shall not constitute an indebtedness of the city or town. Every revenue warrant shall state on its face that it is payable from a special fund, naming it and the ordinance creating it. Such warrants may be in any form, including bearer warrants or registered warrants as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 41. Section 35.45.030, chapter 7, Laws of 1965 as amended by section 1, chapter 44, Laws of 1967 ex. sess. and RCW 35.45.030 are each amended to read as follows:

(1) Local improvement bonds shall be in such denominations as may be provided in the ordinance authorizing their issue and shall be numbered from one upwards consecutively. Each bond shall ~~((+))~~ (a) be signed by the mayor and attested by the clerk, ~~((2))~~ (b) have the seal of the city or town affixed thereto, ~~((3))~~ (c) refer to the improvement to pay for which it is issued and the ordinance ordering it, ~~((4))~~ (d) provide that the principal sum therein named and the interest thereon shall be payable out of the local improvement fund created for the cost and expense of the improvement, or out of the local improvement guaranty fund, or, with respect to interest only, out of the general revenues of the city or town, and not otherwise, ~~((5))~~ (e) provide that the ~~((bondholders'))~~ bond owners' remedy in case of nonpayment shall be confined to the enforcement of the special assessments made for the improvement and to the guaranty fund, and ~~((6))~~ (f) be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

~~((The))~~ Any interest coupons may be signed by the mayor and attested by the clerk, or in lieu thereof, may have printed thereon a facsimile of their signatures.

(2) Notwithstanding subsection (1) of this section, but subject to RCW 35.45.010, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 42. Section 35.45.040, chapter 7, Laws of 1965 as amended by section 2, chapter 323, Laws of 1981 and RCW 35.45.040 are each amended to read as follows:

(1) Local improvement bonds may be issued to the contractor or sold by the officers authorized by the ordinance directing their issue to do so, in the

manner prescribed therein at the price established by the legislative authority of the city or town. Any portion of the bonds of any issue remaining unsold may be issued to the contractor constructing the improvement in payment thereof.

The proceeds of all sales of bonds shall be applied in payment of the cost and expense of the improvement.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 43. Section 35.45.050, chapter 7, Laws of 1965 as amended by section 11, chapter 116, Laws of 1971 ex. sess. and RCW 35.45.050 are each amended to read as follows:

Except when bonds have been issued with a fixed maturity schedule or with a fixed maximum annual retirement schedule as authorized in RCW 35.45.020, the city or town treasurer shall call in and pay the principal of one or more bonds of any issue in their numerical order whenever there is sufficient money in any local improvement fund, against which the bonds have been issued, over and above that which is sufficient for the payment of interest on all unpaid bonds of that issue. The call shall be made for publication in the city or town official newspaper in its first publication following the date of delinquency of any installment of the assessment or as soon thereafter as practicable. The call shall state that bonds No. . . . . (giving the serial number or numbers of the bonds called) will be paid on the day the next interest (~~((coupons on the bonds become))~~) payments are due and that interest on those bonds will cease upon that date.

Sec. 44. Section 2, chapter 93, Laws of 1970 ex. sess. as amended by section 2, chapter 156, Laws of 1981 and by section 4, chapter 323, Laws of 1981 and RCW 35.45.150 are each reenacted and amended to read as follows:

In addition to the issuance of bonds and warrants in payment of the cost and expense of any local improvement, any city or town may also issue and sell installment notes payable out of the local improvement district fund. Such installment notes may be issued any time after the thirty day period allowed by law for the payment of assessments of any district without penalty or interest, and may bear any denomination or denominations, the aggregate of which shall represent the balance of the cost and expense of the local improvement district which is to be borne by the property owners therein.

Application of local improvement district funds for the reduction of the principal and interest amounts due on any notes herein provided to finance said improvement shall be made not less than once each year beginning with the issue date thereof. Appropriate notification of such application of funds shall be made by the city or town treasurer to the registered payees of said notes, except those notes owned by funds of the issuing municipality. Such

notes may be registered as provided in section 3 of this 1983 act. If more than one local improvement installment note is issued for a single district, said notes shall be numbered consecutively. All notes issued shall bear on the face thereof: (1) The name of the payee; (2) the number of the local improvement district from whose funds the notes are payable; (3) the date of issue of each note; (4) the date on which the note, or the final installment thereon shall become due; (5) the rate or rates of interest, (~~not to exceed twelve percent~~) as provided by the city or town legislative authority, to be paid on the unpaid balance thereof, and; (6) such manual or facsimile signatures and attestations as are required by state statute or city charter to appear on the warrants of each issuing municipality.

The reverse side of each installment note issued pursuant to this section shall bear a tabular payment record which shall indicate at prescribed installment dates, the receipt of any local improvement district funds for the purpose of servicing the debt evidenced by said notes. Such receipts shall first be applied toward the interest due on the unpaid balance of the note, and any additional moneys shall thereafter apply as a reduction of the principal amount thereof. The tabular payment record shall, in addition to the above, show the unpaid principal balance due on each installment note, together with sufficient space opposite each transaction affecting said note for the manual signature of the city's or town's clerk, treasurer or other properly designated receiving officer of the municipality, or of any other registered payee presenting said note for such installment payments.

Whenever there are insufficient funds in a local improvement district to meet any payment of installment interest due on any note herein authorized, a noninterest-bearing defaulted installment interest certificate shall be issued by the city or town treasurer which shall consist of a written statement certifying the amount of such defaulted interest installment; the name of the payee of the note to whom the interest is due and the number of the local improvement district from whose funds the note and interest thereon is payable. Such certificates may be registered as provided in section 3 of this 1983 act. The certificate herein provided shall bear the manual signature of the city or town treasurer or his authorized agent. The defaulted installment interest certificate so issued shall be redeemed for the face amount thereof with any available funds in the local improvement guaranty fund.

Whenever at the date of maturity of any installment note issued pursuant to this section, there are insufficient funds in a local improvement district, due to delinquencies in the collection of assessments, to pay the final installment of the principal due thereon, the note shall be redeemed with any available funds in the local improvement guaranty fund for the amount of said final installment.

All certificates and notes issued pursuant to this section are to become subject to the same redemption privileges as apply to any local improvement

district bonds and warrants now accorded the protection of the local improvement guaranty fund as provided in chapter 35.54 RCW, and whenever the certificates or notes issued as herein provided are redeemed by said local improvement guaranty fund, they shall be held therein as investments thereof in the same manner as prescribed for other defaulted local improvement district obligations.

Notwithstanding any other statutory provisions, local improvement installment notes authorized by this section which are within the protection of the local improvement guaranty fund law shall be considered legal investments for any available surplus funds of the issuing municipality which now or hereafter may be authorized to be invested in the city's or town's local improvement districts' bonds or warrants and shall be considered legal investments for all national and state banks, savings and loan institutions, and any and all other commercial banking or financial institutions to the same extent that the local improvement district bonds and any coupons issued pursuant to the provisions of this chapter have been and are legal investments for such institutions. Any such local improvement installment notes may be transferred or sold by said city or town upon such terms or conditions and in such manner as the local governing body of said city or town may determine, or may be issued to another fund of the city or town: PROVIDED, HOWEVER, That the same shall not be sold at less than par plus accrued interest.

Notwithstanding the provisions of this section, such notes and certificates may be issued, and such notes may be sold, in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 45. Section 35.48.020, chapter 7, Laws of 1965 and RCW 35.48-.020 are each amended to read as follows:

Any moneys in such revolving fund may be used for the purchase of unpaid delinquent local improvement warrants, or bonds and interest payments, or bonds and interest coupons thereon, issued by the city or town, payable from a local improvement district fund or condemnation award fund, to which the local improvement guaranty fund law is not applicable, if the assessment, or last installment thereof, against which the bonds or warrants have been issued, has been delinquent not more than thirty-two years. The maximum purchase price to be paid for said bonds or warrants shall be fixed by the municipality, and may from time to time be changed but shall never exceed fifty percent of the face value of the bonds, interest payments, interest coupons, or warrants: PROVIDED, That no warrants shall be issued payable from the revolving fund unless there is sufficient cash in said fund available for payment of such warrants.

Sec. 46. Section 7, chapter 270, Laws of 1975 1st ex. sess. as amended by section 1, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.2721 are each amended to read as follows:

(1) In addition to any other authority now provided by law, and subject only to constitutional limitations, the governing body of any municipality shall be authorized to acquire, construct, operate, and maintain a public transportation system and additions and betterments thereto, and to issue general obligation bonds for public mass transportation capital purposes including but not limited to replacement of equipment: PROVIDED, That the general indebtedness incurred under this section when considered together with all the other outstanding general indebtedness of the municipality shall not exceed the amounts of indebtedness authorized by chapter 39.36 RCW and chapter 35.58 RCW, as now or hereafter amended, to be incurred without and with the assent of the voters. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

Upon July 1, 1975 any such municipality is authorized to pledge that the taxes authorized, levied and collected to pay or secure the payment of any bonds issued after July 1, 1975 for authorized public transportation purposes shall continue to be levied, collected and applied until such bonds shall have been paid or sufficient funds for such payment shall have been duly provided and irrevocably set aside by the issuer for such payment. If any of the revenue from any tax or surcharge authorized by this or any other chapter shall have been pledged to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw the authority to levy and collect the tax. Any municipality is authorized to pledge for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes all or any portion of any taxes authorized to be levied by the issuer, including, but not limited to, the local sales and use tax authorized pursuant to RCW 82.14.045, as now or hereafter amended. The preceding sentence notwithstanding, not more than ten percent of the motor vehicle excise taxes levied and collected pursuant to RCW 35.58.273 may be pledged for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes after July 1, 1975 but before May 14, 1979, and no motor vehicle excise taxes may be pledged for bonds issued on or after May 14, 1979.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 47. Section 1, chapter 11, Laws of 1970 ex. sess. as last amended by section 24, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.58.450 are each amended to read as follows:

(1) Notwithstanding the limitations of chapter 39.36 RCW and any other statutory limitations otherwise applicable and limiting municipal debt, a metropolitan municipal corporation shall have the power to authorize and to issue general obligation bonds and to pledge the full faith and credit of



the corporation to the payment thereof, for any authorized capital purpose of the metropolitan municipal corporation: PROVIDED, That a proposition authorizing the issuance of any such bonds to be issued in excess of three-fourths of one percent of the value of the taxable property therein, as the term "value of the taxable property" is defined in RCW 39.36.015, shall have been submitted to the electors of the metropolitan municipal corporation at a special election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said metropolitan municipal corporation at the last preceding state general election. Such general obligation bonds may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of bonds which could then lawfully be issued. Such bonds may be issued in one or more series from time to time out of such authorization but at no time shall the total general indebtedness of the metropolitan municipal corporation exceed five percent of the value of the taxable property therein, as the term "value of the taxable property" is defined in RCW 39.36.015. Both principal of and interest on such general obligation bonds may be made payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the constitutional and/or statutory tax limit or may be made payable from any other taxes or any special assessments which the metropolitan municipal corporation may be authorized to levy or from any otherwise unpledged revenue which may be derived from the ownership or operation of properties or facilities incident to the performance of the authorized function for which such bonds are issued or may be made payable from any combination of the foregoing sources. The metropolitan council may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, urban design and other services incident to acquisition or construction solely for authorized capital purposes and may include an amount to establish a guaranty fund for revenue bonds issued solely for capital purposes.

General obligation bonds shall be sold as provided in RCW 39.44.030 and shall mature in not to exceed forty years from the date of issue. The various annual maturities shall commence not more than five years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

Such bonds shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature and the seal of the metropolitan corporation shall be impressed or

imprinted thereon. (~~Each of the~~) Any interest coupons which may be attached shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities (~~of the first class~~) and towns at a price not less than par and accrued interest.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 48. Section 35.58.460, chapter 7, Laws of 1965 as last amended by section 8, chapter 70, Laws of 1974 ex. sess. and RCW 35.58.460 are each amended to read as follows:

(1) A metropolitan municipal corporation may issue revenue bonds to provide funds to carry out its authorized metropolitan water pollution abatement, water supply, garbage disposal or transportation purposes, without submitting the matter to the voters of the metropolitan municipal corporation. The metropolitan council shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the metropolitan council may obligate the metropolitan municipal corporation to pay such amounts of the gross revenue of the particular utility constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the metropolitan council shall determine and may obligate the metropolitan municipal corporation to pay such amounts out of otherwise unpledged revenue which may be derived from the ownership, use or operation of properties or facilities owned, used or operated incident to the performance of the authorized function for which such bonds are issued or out of otherwise unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes or other sources of payment lawfully authorized for such purpose, as the metropolitan council shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners (~~and holders~~) of such bonds shall have a lien and charge against the gross revenue of such utility or any other revenue, fees, tolls, charges, tariffs, fares, special taxes or other authorized sources pledged to the payment of such bonds.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the (~~holders~~) owners thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the metropolitan municipal corporation.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest as provided in section 3 of this 1983 act, or may be bearer bonds; shall be in such denominations as the metropolitan council shall deem proper; shall be payable at such time or times and at such places

as shall be determined by the metropolitan council; shall bear interest at such rate or rates as shall be determined by the metropolitan council; shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature, and the seal of the metropolitan municipal corporation shall be impressed or imprinted thereon; ~~((each of the))~~ any attached interest coupons shall be signed by the facsimile signatures of said officials.

Such revenue bonds shall be sold in such manner, at such price and at such rate or rates of interest as the metropolitan council shall deem to be for the best interests of the metropolitan municipal corporation, either at public or private sale.

The metropolitan council may at the time of the issuance of such revenue bonds make such covenants with the ~~((purchasers and holders))~~ owners of said bonds as it may deem necessary to secure and guarantee the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guarantee the payment of such principal and interest, to maintain rates sufficient to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the ~~((bondholders))~~ bond owners to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the metropolitan council may deem necessary to accomplish the most advantageous sale of such bonds. The metropolitan council may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The metropolitan council may include in the principal amount of any such revenue bond issue an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any such metropolitan facilities plus six months. The metropolitan council may, if it deems it to be the best interest of the metropolitan municipal corporation, provide in any contract for the construction or acquisition of any metropolitan facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds at the par value thereof.

If the metropolitan municipal corporation shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the ~~((holder))~~ owner of any such bond may bring action against the metropolitan municipal corporation and compel the performance of any or all of such covenants.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 49. Section 6, chapter 110, Laws of 1967 and RCW 35.59.060 are each amended to read as follows:

(1) To carry out the purposes of this chapter any municipality shall have the power to appropriate and/or expend any public moneys available therefor and to issue general obligation bonds within the limitations now or hereafter prescribed by the Constitution and laws of this state. Such general obligation bonds shall be authorized, executed, issued and made payable as provided in Title 39 RCW. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. If the governing body of any municipality shall submit a proposition for the approval of general obligation bonds at any general or special election and shall declare in the ordinance or resolution setting forth such proposition that its purpose is the creation of a single integrated multi-purpose community center or a city-wide or county-wide system of such centers, all pursuant to this chapter, and that the creation of such center or system of centers constitutes a single purpose, such declaration shall be presumed to be correct and, upon the issuance of the bonds, such presumption shall become conclusive. The governing body of the issuing municipality may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, and other services incident to the acquisition or construction of multi-purpose community centers.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 50. Section 7, chapter 110, Laws of 1967 and RCW 35.59.070 are each amended to read as follows:

(1) To carry out the purposes authorized by this chapter the legislative body of any municipality shall have the power to issue revenue bonds, and to create a special fund or funds for the sole purpose of paying the principal of and interest on such bonds into which fund or funds the legislative body may obligate the municipality to pay all or part of the revenues derived from any one or more facilities or properties which will form part of the multi-purpose community center. The provisions of chapter 35.41 RCW not inconsistent with this chapter shall apply to the issuance and retirement of any revenue bonds issued for the purposes authorized in this chapter and for such purposes any municipality shall have and may exercise the powers, duties, and functions incident thereto held by cities and towns under such chapter 35.41 RCW. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. The legislative body of any municipality may fix the denominations of such bonds in any amount and the manner of executing such bonds, and may take such action as may be necessary and incidental to the issuance of such bonds and the retirement thereof.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 51. Section 35.60.040, chapter 7, Laws of 1965 and RCW 35.60-.040 are each amended to read as follows:

(1) Any bonds to be issued by any municipality pursuant to the provisions of RCW 35.60.030, shall be authorized and issued in the manner and within the limitations prescribed by the Constitution and laws of this state or charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally and secured by a general tax levy as provided by law: PROVIDED, That the provisions of RCW 39.44.070 and 36.67.040 shall not apply to such bond issues. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

*\*Sec. 52. Section 35.61.100, chapter 7, Laws of 1965 as amended by section 14, chapter 42, Laws of 1970 ex. sess. and RCW 35.61.100 are each amended to read as follows:*

*Every metropolitan park district through its board of commissioners may contract indebtedness, and evidence this indebtedness by issuing warrants, short-term obligations as provided in chapter 39.50 RCW, or general obligation bonds, for park, boulevard, aviation landings, playgrounds and parkway purposes, and the extension and maintenance thereof, not exceeding three-fortieths of one percent of the value of the taxable property in such metropolitan park district, as the term "value of the taxable property" is defined in RCW 39.36.015.*

*\*Sec. 52 was vetoed, see message at end of chapter.*

Sec. 53. Section 35.61.160, chapter 7, Laws of 1965 and RCW 35.61-.160 are each amended to read as follows:

(1) If incurring the indebtedness and issuing bonds therefor has been approved by the people, the commissioners of such metropolitan park district may issue the negotiable bonds of such district for the amount of such indebtedness and may dispose of said bonds either in payment of such indebtedness, or may advertise and sell said bonds in the open market for cash, but in no event shall said bonds be disposed of or negotiated at less than par. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 54. Section 35.61.170, chapter 7, Laws of 1965 as last amended by section 41, chapter 56, Laws of 1970 ex. sess. and RCW 35.61.170 are each amended to read as follows:

(1) Metropolitan park district bonds shall be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable ~~((to the bearer;))~~ in not more than twenty years from date of issue, and bear interest at a rate or rates as authorized by the metropolitan park district, payable annually ~~(; with coupons attached, for each interest payment))~~. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. They shall be numbered from one consecutively and shall be payable in the order of their number beginning with bond numbered one. The bonds shall be payable as therein designated in any city of the United States having a national bank.

The bonds and ~~((each))~~ any coupon shall be signed by the president of the board of park commissioners and shall be attested by the clerk of the board. The bonds shall be printed, engraved, or lithographed on good bond paper, and the bond shall state on its face that it is issued in accordance, and in strict compliance, with an act of the legislature of the state of Washington, entitled: "An act authorizing the formation of metropolitan park districts, providing for park officials, fixing their powers and duties, and declaring an emergency," approved March 11, 1907, and reenacted on March 22, 1943.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 55. Section 35.61.180, chapter 7, Laws of 1965 and RCW 35.61-.180 are each amended to read as follows:

~~((Before the bonds are delivered to the purchaser, they shall be presented to the county treasurer who shall register them in a book kept for that purpose and known as the "metropolitan park bond register," in which register shall be entered the number of each bond, date of issue and maturity, amount, rate of interest, to whom and when payable.))~~ The county treasurer shall receive no compensation other than his regular salary for receiving and disbursing the funds of a metropolitan park district. ~~((The board of park commissioners shall keep a register of such bonds similar to that provided for the county treasurer.))~~

Sec. 56. Section 35.61.200, chapter 7, Laws of 1965 and RCW 35.61-.200 are each amended to read as follows:

~~((The))~~ Any coupons for the payment of interest on metropolitan park district bonds shall be considered for all purposes as warrants drawn upon the metropolitan park district fund against which the bonds were issued, and when presented after maturity to the treasurer of the county having custody of the fund. If there are no funds in the treasury to pay the coupons, the county treasurer shall endorse said coupons as presented for payment, in the same manner as county warrants are endorsed, and thereafter the coupon shall bear interest at the same rate as the bond to which it was

attached. If there are no funds in the treasury to make payment on a bond not having coupons, the interest payment shall continue bearing interest at the bond rate until it is paid, unless otherwise provided in the proceedings authorizing the sale of the bonds.

Sec. 57. Section 35.67.080, chapter 7, Laws of 1965 as last amended by section 42, chapter 56, Laws of 1970 ex. sess. and RCW 35.67.080 are each amended to read as follows:

The bonds shall: (1) Be registered bonds as provided in section 3 of this 1983 act or coupon bonds, (2) be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, (3) be numbered from one upwards consecutively, (4) bear the date of their issue, (5) be serial in form finally maturing not more than thirty years from date, (6) bear interest at the rate or rates as authorized by the legislative body of the city or town, payable annually or semiannually, (~~with interest coupons attached;~~) and the principal and interest shall be made payable at such place as may be designated: PROVIDED, That such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 58. Section 35.67.090, chapter 7, Laws of 1965 and RCW 35.67-.090 are each amended to read as follows:

The bonds and (~~each~~) any coupon shall be signed by the mayor and attested by the clerk, and the seal of such city or town shall be affixed to each bond, but not (~~the~~) any coupons. Signatures on (~~the~~) any coupons may be printed or lithographic facsimile of the signatures of said officials. Said bonds shall be printed, engraved or lithographed, on good bond paper.

Sec. 59. Section 35.67.140, chapter 7, Laws of 1965 as last amended by section 43, chapter 56, Laws of 1970 ex. sess. and RCW 35.67.140 are each amended to read as follows:

A city or town may issue revenue bonds against the special fund or funds created solely from revenues. The revenue bonds so issued shall: (1) Be registered bonds as provided in section 3 of this 1983 act or coupon bonds, (2) be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, (3) be numbered from one upwards consecutively, (4) bear the date of their issue, (5) be serial in form finally maturing not more than thirty years from their date, (6) bear interest at the rate or rates as authorized by the legislative body of the city or town, payable annually or semiannually, (~~with interest coupons attached;~~) (7) be payable as to principal and interest at such place as may be designated therein, and (8) shall state upon their face that they are payable from a special fund, naming it and the ordinance creating it: PROVIDED, That such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 60. Section 35.67.150, chapter 7, Laws of 1965 and RCW 35.67-.150 are each amended to read as follows:

Every revenue bond and any coupon shall be signed by the mayor and attested by the clerk. The seal of the city or town shall be attached to all bonds but not to ~~((the))~~ any coupons. Signatures on ~~((the))~~ any coupons may be printed or may be the lithographic facsimile of the signatures. The bonds shall be printed, engraved or lithographed upon good bond paper.

Sec. 61. Section 35.67.180, chapter 7, Laws of 1965 and RCW 35.67-.180 are each amended to read as follows:

If a city or town fails to set aside and pay into the special fund created for the payment of revenue bonds and warrants the amount which it has obligated itself in the ordinance creating the fund to set aside and pay therein, the ~~((holder))~~ owner of any bond or warrant issued against the fund may bring suit against the city or town to compel it to do so.

Sec. 62. Section 35.73.060, chapter 7, Laws of 1965 as last amended by section 9, chapter 156, Laws of 1981 and RCW 35.73.060 are each amended to read as follows:

(1) The city may, in its discretion, by general or special ordinance, or both, instead of requiring immediate payment for the said work to be made by the owners of property included in the assessment roll, authorize the issuance of interest bearing bonds or warrants of the local improvement district, payable on or before a date not to exceed twelve years from and after their date. The bonds may be issued subject to call, the amount of the said assessment to be payable in installments or otherwise, and the bonds to be of such terms as may be provided in the ordinances and to bear interest at such rate or rates as may be prescribed in the ordinances. Such bonds or warrants may be of any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds or warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 63. Section 35.73.070, chapter 7, Laws of 1965 and RCW 35.73-.070 are each amended to read as follows:

The bonds or warrants shall be payable only from the fund created by the special assessments upon the property in the local improvement district, and the ~~((holder))~~ owner of any bond or warrant shall look only to ~~((that))~~ this fund for the payment of the principal and interest thereof and shall have no claim or lien therefor against the city by which the same was issued except from that fund.

Sec. 64. Section 35.81.100, chapter 7, Laws of 1965 as last amended by section 44, chapter 56, Laws of 1970 ex. sess. and RCW 35.81.100 are each amended to read as follows:



(1) A municipality shall have the power to issue bonds from time to time in its discretion to finance the undertaking of any urban renewal project under this chapter, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans for urban renewal projects, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall not pledge the general credit of the municipality and shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from, or held in connection with, its undertaking and carrying out of urban renewal projects under this chapter: PROVIDED, That payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this chapter.

(2) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under the provisions of this chapter are declared to be issued for an essential public and governmental purpose, and together with interest thereon and income therefrom, shall be exempted from all taxes.

(3) Bonds issued under this section shall be authorized by resolution or ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or 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 as provided in section 3 of this 1983 act, 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), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(4) Such bonds may be sold at not less than ninety-eight percent of par at public or private sale, or may be exchanged for other bonds on the basis of par: PROVIDED, That such bonds may be sold to the federal government at private sale at not less than par and, in the event less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at public or private sale at not less than ninety-eight percent of par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

(5) The municipality may annually pay into a fund to be established for the benefit of such bonds any and all excess of the taxes received by it from

the same property over and above the average of the annual taxes authorized without vote for a five-year period immediately preceding the acquisition of the property by the municipality for renewal purposes, such payment to continue until such time as all bonds payable from the fund are paid in full. Any other taxing unit in a municipality is authorized to allocate a like amount of such excess taxes to the municipality or municipalities in which it is situated.

(6) In case any of the public officials of the municipality whose signatures appear on any bonds or any coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials 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.

(7) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this chapter or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this chapter.

(8) Notwithstanding subsections (1) through (7) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 65. Section 35.82.140, chapter 7, Laws of 1965 as last amended by section 6, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.140 are each amended to read as follows:

(1) 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 as provided in section 3 of this 1983 act, 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.

In case any of the commissioners or officers of the authority whose signatures appear on any bond or any 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.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 66. Section 35.89.020, chapter 7, Laws of 1965 as last amended by section 46, chapter 56, Laws of 1970 ex. sess. and RCW 35.89.020 are each amended to read as follows:

(1) Water redemption bonds shall be in denominations of not more than one thousand nor less than one hundred dollars each, and shall bear interest at a rate or rates as authorized by the city or town council, payable semi-annually, and shall bear a serial number and shall be signed by the mayor of the city or town and shall be otherwise executed in such manner and payable at such time and place not exceeding twenty years after the date of issue as the city or town council shall determine and such bonds shall be payable only out of the special fund created by authority of this chapter and shall be a valid claim of the ((holder)) owner thereof only against that fund and the fixed portion or amount of the revenues of the water system pledged to the fund, and shall not constitute an indebtedness of the city or town. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 67. Section 35.92.080, chapter 7, Laws of 1965 as last amended by section 47, chapter 56, Laws of 1970 ex. sess. and RCW 35.92.080 are each amended to read as follows:

(1) When the voters have adopted a proposition for any public utility and have authorized a general indebtedness, general city or town bonds may be issued. The bonds shall be registered bonds as provided in section 3 of this 1983 act or ((coupon)) bearer bonds; numbered from one up consecutively; bear the date of their issue; and bear interest at a rate or rates as authorized by the city or town council, payable semiannually, ((with interest coupons attached;)) and the principal and interest shall be made payable at such place as may be designated. Except as otherwise provided in RCW 39.44.100, the bonds and ((each)) any coupon shall be signed by the mayor and attested by the clerk under the seal of the city or town.

There shall be levied each year a tax upon the taxable property of the city or town sufficient to pay the interest and principal of the bonds then due, which taxes shall become due and collectible as other taxes: PROVIDED, That it may pledge to the payment of such principal and interest the revenue of the public utility being acquired, constructed, or improved out of the proceeds of sale of such bonds. Such pledge of revenue shall constitute a binding obligation, according to its terms, to continue the collection of such revenue so long as such bonds or any of them are outstanding, and to the extent that revenues are insufficient to meet the debt service requirements on such bonds, the governing body of the municipality shall provide for the levy of taxes sufficient to meet such deficiency.

The bonds shall be printed and engraved, or lithographed, on good bond paper. The bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town. (~~A register shall be kept of all the bonds, which shall show the number, date, amount, interest, to whom delivered if coupon bonds and the name of the payee if registered bonds, and when and where payable, and each bond issued or sold.~~)

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 68. Section 35.92.100, chapter 7, Laws of 1965 as last amended by section 57, chapter 3, Laws of 1983 and RCW 35.92.100 are each amended to read as follows:

(1) When the voters of a city or town, or the corporate authorities thereof, have adopted a proposition for any public utility and either no general indebtedness has been authorized or the corporate authorities do not desire to incur a general indebtedness, and when the corporate authorities are authorized to exercise any of the powers conferred by this chapter without submitting the proposition to a vote, the corporate authorities may create a special fund for the sole purpose of defraying the cost of the public utility or addition, betterment, or extension thereto, into which special fund they may obligate and bind the city or town to set aside and pay a fixed proportion of the gross revenues of the utility, or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and issue and sell bonds or warrants bearing interest at a rate or rates as authorized by the corporate authorities; payable semiannually, executed in such manner and payable at such times and places as the corporate authorities shall determine, but the bonds or warrants and the interest thereon shall be payable only out of the special fund and shall be a lien and charge against payments received from any utility local improvement district assessments pledged to secure such bonds. Such bonds shall be negotiable instruments within the meaning of the negotiable instruments law, Title 62A RCW, notwithstanding same are made

payable out of a particular fund contrary to the provisions of RCW 62A.3-105. Such bonds and warrants may be of any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in section 3 of this 1983 act.

When corporate authorities deem it necessary to construct any sewage disposal plant, it may be considered as a part of the waterworks department of the city or town and the cost of construction and maintenance thereof may be chargeable to the water fund of the municipality, or to any other special fund which the corporate authorities may by ordinance designate.

In creating a special fund, the corporate authorities shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants, or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Rates shall be maintained adequate to service such bonds and to maintain the utility in sound financial condition.

The bonds or warrants and interest thereon issued against any such fund shall be a valid claim of the ((holder)) owner thereof only as against the special fund and its fixed proportion or amount of the revenue pledged thereto, and shall not constitute an indebtedness of the city or town within the meaning of constitutional provisions and limitations. Each bond or warrant shall state upon its face that it is payable from a special fund, naming it and the ordinance creating it. The bonds and warrants shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town, and they may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made only in such bonds and warrants at par value thereof.

When a special fund is created and any such obligation is issued against it, a fixed proportion, or a fixed amount out of and not exceeding such fixed proportion, or a fixed amount without regard to any fixed proportion, of revenue shall be set aside and paid into such fund as provided in the ordinance creating it, and in case the city or town fails to thus set aside and pay such fixed proportion or amount, the ((holder)) owner of any bond or warrant against the fund may bring action against the city or town and compel such setting aside and payment: **PROVIDED**, That whenever the corporate authorities of any city or town shall so provide by ordinance then all such bonds thereafter issued shall be on a parity, without regard to date of issuance or authorization and without preference or priority of right or lien with respect to participation of special funds in amounts from gross revenues for payment thereof.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 69. Section 35.92.150, chapter 7, Laws of 1965 and RCW 35.92-.150 are each amended to read as follows:

(1) Such funding or refunding bonds, together with the interest thereon, issued against the special fund shall be a valid claim of the ((holder)) owner thereof only as against such fund, and the amount of the revenue of the utility pledged thereto, and shall not constitute an indebtedness of the city or town within the meaning of constitutional or statutory provisions and limitations. They shall be sold in such manner as the corporate authorities shall deem for the best interest of the municipality. The effective rate of interest on the bonds shall not exceed the effective rate of interest on warrants or bonds to be funded or refunded thereby. Interest on the bonds shall be paid semiannually. The bonds shall be executed in such manner and payable at such time and place as the legislative authority shall by ordinance determine. Nothing in this chapter shall prevent a city or town from funding or refunding any of its indebtedness in any other manner provided by law. Such bonds may be of any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 70. Section 35.92.160, chapter 7, Laws of 1965 and RCW 35.92-.160 are each amended to read as follows:

When such funding or refunding bonds have been issued and the city or town fails to set aside and pay into the special fund from which they are payable, the amount without regard to any fixed proportion out of the gross revenue of the public utility which the city or town has, by ordinance, bound and obligated itself to set aside and pay into the special fund, the ((holder)) owner of any funding or refunding bond may bring action against the city or town and compel such setting aside and payment.

Sec. 71. Section 6, chapter 175, Laws of 1982 and RCW 36.58.150 are each amended to read as follows:

(1) A solid waste disposal district shall not have the power to levy an annual levy without voter approval, but it shall have the power to levy a tax, in excess of the one percent limitation, upon the property within the district for a one year period to be used for operating or capital purposes whenever authorized by the electors of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

A solid waste disposal district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligated indebtedness of the district, equal to three-

eighths of one percent of the value of the taxable property within the district, and may provide for the retirement of the bonds by voter-approved bond retirement tax levies pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056. Such general obligation bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

A solid waste disposal district may issue revenue bonds to fund its activities. Such revenue bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such general obligation bonds or revenue bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 72. Section 36.62.070, chapter 4, Laws of 1963 as last amended by section 49, chapter 56, Laws of 1970 ex. sess. and RCW 36.62.070 are each amended to read as follows:

(1) Should a majority of all the votes cast upon the proposition be in favor of establishing the hospital, the ((board of)) county ((commissioners)) legislative authority shall proceed to issue bonds of the county not to exceed the amount specified in the proposition, in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest at a rate or rates as authorized by the ((board of)) county ((commissioners)) legislative authority, and payable annually or semiannually. The bonds shall be serial bonds ((finally maturing in)) with maturities not in excess of twenty years ((from date of issuance)). Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 73. Section 36.62.080, chapter 4, Laws of 1963 and RCW 36.62-.080 are each amended to read as follows:

The county treasurer shall dispose of the bonds in the same manner as other county bonds, and they shall not be sold for less than par with accrued interest: PROVIDED, That such bonds may also be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 74. Section 36.67.030, chapter 4, Laws of 1963 as amended by section 79, chapter 3, Laws of 1983 and RCW 36.67.030 are each amended to read as follows:

Whenever any debt is incurred under the provisions of RCW 36.67.010, the ((board of commissioners)) legislative authority of the county may issue its negotiable bonds in the name of the county for the purposes designated in resolution or notice of election. Such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 75. Section 36.67.040, chapter 4, Laws of 1963 as last amended by section 10, chapter 156, Laws of 1981 and RCW 36.67.040 are each amended to read as follows:

(1) The bonds shall bear the date of issue(;) and shall ~~((be made payable to the bearer and))~~ bear interest at a rate or rates determined by the county legislative authority, payable semiannually~~((; with coupons attached for each interest payment))~~. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. Except as otherwise provided in RCW 39.44.100, the bonds and ~~((each))~~ any coupon shall be signed by the chairman of the county legislative authority, or in counties having an elected executive, the elected executive officer, and shall be attested by the clerk of the county legislative authority, and the seal of the county legislative authority shall be affixed to each bond, but not to ~~((the))~~ any coupon. Each bond shall be printed, engraved, or lithographed on good bond paper.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 76. Section 36.67.050, chapter 4, Laws of 1963 and RCW 36.67-.050 are each amended to read as follows:

The bonds may be exchanged at not less than their par value and accrued interest for an equal amount of warrants of the county issuing them or they may be sold by the county ~~((commissioners))~~ legislative authority at not less than their par value and accrued interest, in which event the proceeds shall be applied only for the purpose for which the bonds were issued; PROVIDED, That such bonds may also be sold in accordance with section 3 of this 1983 act.

Sec. 77. Section 36.67.060, chapter 4, Laws of 1963 as amended by section 1, chapter 188, Laws of 1975 1st ex. sess. and RCW 36.67.060 are each amended to read as follows:

Bonds issued under this chapter shall be serial in form and maturity and interest shall be paid and the principal of the bonds retired by an annual tax levy in accordance with the provisions of chapter 39.44 RCW and by any other moneys lawfully available and pledged therefor: PROVIDED, That such bonds may also be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 78. Section 36.67.070, chapter 4, Laws of 1963 and RCW 36.67-.070 are each amended to read as follows:

~~((The))~~ Any coupons for the payment of interest on the bonds shall be considered for all purposes as warrants drawn upon the current expense fund of the county issuing bonds, and if when presented to the treasurer of the county no funds are in the treasury to pay them, the treasurer shall indorse the coupons as presented for payment, in the same manner as county



warrants are indorsed, and thereafter they shall bear interest at the same rate as county warrants presented and unpaid. If there are no funds in the treasury to make payment on a bond not having coupons, the interest payment shall continue bearing interest at the bond rate until it is paid, unless otherwise provided in the proceedings authorizing the sale of the bonds.

Sec. 79. Section 1, chapter 142, Laws of 1965 and RCW 36.67.510 are each amended to read as follows:

The ~~((board-of))~~ county ~~((commissioners))~~ legislative authority of any county is hereby authorized for the purpose of carrying out the lawful powers granted to the counties by the laws of the state to contract indebtedness and to issue revenue bonds evidencing such indebtedness in conformity with this chapter. Such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 80. Section 3, chapter 142, Laws of 1965 as last amended by section 13, chapter 313, Laws of 1981 and RCW 36.67.530 are each amended to read as follows:

(1) When revenue bonds are issued for authorized purposes, said bonds shall be either registered as to principal only or as to principal and interest as provided in section 3 of this 1983 act, or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and payable at the office of the county treasurer, and such other places as determined by the county ~~((commissioners))~~ legislative authority of the county; shall bear interest payable and evidenced to maturity on bonds not registered as to interest by coupons attached to said bonds bearing a coupon interest rate or rates as authorized by the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority; shall be executed by the chairman of the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority, and attested by the clerk of the ~~((board))~~ legislative authority, and the seal of such ~~((board))~~ legislative authority shall be affixed to each bond, but not to ~~((the))~~ any coupon; and may have facsimile signatures of the chairman and the clerk imprinted on each bond and ~~((the))~~ any interest coupons in lieu of original signatures and the facsimile seal imprinted on each bond.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 81. Section 4, chapter 142, Laws of 1965 and RCW 36.67.540 are each amended to read as follows:

Bonds issued under the provisions of this chapter shall be payable solely out of the operating revenues of the county. Such bonds shall be authorized by resolution adopted by the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority, which resolution shall create a special fund or funds into which the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority may

obligate and bind the county to set aside and pay any part or parts of, or all of, or a fixed proportion of, or fixed amounts of gross revenue received by the county from moneys for services or activities as stated in the resolution, for the purpose of paying the principal of and interest on such bonds as the same shall become due, and if deemed necessary to maintain adequate reserves therefor. Such fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds issued pursuant to this chapter.

The bonds shall be negotiable instruments within the provision and intent of the negotiable instruments law of this state, even though they shall be payable solely from such special fund or funds, and the tax revenue of the county may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. The bonds and ~~((the))~~ any coupons attached thereto shall state upon their face that they are payable solely from such special fund or funds. If the county fails to set aside and pay into such fund or funds, the payments provided for in such resolution, the ~~((holder))~~ owner of any such bonds may bring suit to compel compliance with the provisions of the resolution.

Sec. 82. Section 6, chapter 142, Laws of 1965 as last amended by section 51, chapter 56, Laws of 1970 ex. sess. and RCW 36.67.560 are each amended to read as follows:

(1) The ~~((board of))~~ county ~~((commissioners))~~ legislative authority of any county may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue bonds and any interest and premiums due thereon~~((, and matured coupons evidencing interest upon any such bonds))~~ at or before the maturity of such bonds, and parts or all of various series and issues of outstanding revenue bonds ~~((and matured coupons))~~ in the amount thereof to be funded or refunded. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

The ~~((board))~~ county legislative authority shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the ~~((commission))~~ legislative authority shall obligate and bind the county to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the revenue of the facility of the county sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, and the tax revenue of the county may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds.

The county may exchange such funding or refunding bonds for the bonds, and any coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner, at such price and at such rate or rates of interest as the ((board)) legislative authority shall deem to be for the best interest of the county and its inhabitants, either at public or private sale.

The provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 83. Section 13, chapter 218, Laws of 1963 as last amended by section 10, chapter 210, Laws of 1981 and RCW 36.68.520 are each amended to read as follows:

(1) A park and recreation service area shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the service area in the manner prescribed by section 2, Article ((7)) VII of the Constitution and by RCW 84.52.052.

The special voted levy may be either for operating fund or for capital outlay, or for a cumulative reserve fund.

(2) A service area 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 the district, and may provide for the retirement thereof by levies in excess of dollar rate in accordance with the provisions of Article ((7)) VII, section 2 of the Constitution and RCW 84.52.056: PROVIDED, That such districts may issue bonds equal to two and one-half percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by the voters of the district at a special election called for the purpose. Such bonds may be in any form, including coupon bonds or registered bonds as provided in section 3 of this 1983 act.

(3) Notwithstanding subsection (2) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 84. Section 36.69.140, chapter 4, Laws of 1963 as last amended by section 19, chapter 210, Laws of 1981 and RCW 36.69.140 are each amended to read as follows:

(1) A park and recreation district shall have the power to levy an excess levy upon the property included within the district, in the manner prescribed by Article VII, section 2, of the Constitution and by RCW 84.52.052. Such 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. A park and recreation district may additionally issue bonds equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by three-fifths of the voters of the district at a general or special election called for that purpose 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. 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. Such bonds and warrants may be in any form, including coupon bonds or coupon warrants, or registered bonds or registered warrants as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 85. Section 36.69.200, chapter 4, Laws of 1963 as amended by section 80, chapter 3, Laws of 1983 and RCW 36.69.200 are each amended to read as follows:

(1) Whenever the board of park and recreation commissioners of any district shall determine that any proposed capital improvement would be of special benefit to all or to any portion of the district, it may establish local improvement districts within its territory; levy special assessments under the mode of annual installments extending over a period not exceeding twenty years, on all property specially benefited by a local improvement, on the basis of special benefits to pay in whole or in part the damage or costs of any improvements ordered in the district; and issue local improvement bonds in the improvement district to be repaid by the collection of local improvement assessments. The method of establishment, levying, collection and enforcement of such assessments and issuance and redemption of local improvement warrants and bonds and the provisions regarding the conclusiveness of the assessment roll and the review by the superior court of any objections thereto shall be as provided for the levying, collection, and enforcement of local improvement assessments and the issuance of local improvement bonds by cities ((of the first class)) and towns, insofar as consistent herewith. The duties devolving upon the city treasurer are hereby imposed upon the county treasurer for the purposes hereof. The mode of assessment shall be determined by the board. Such bonds may be in any form, including coupon bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 86. Section 5, chapter 94, Laws of 1972 ex. sess. and RCW 36.69-.370 are each amended to read as follows:

(1) When revenue bonds are issued for authorized purposes, said bonds shall be either registered as to principal only or principal and interest as provided in section 3 of this 1983 act or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and payable ~~((at the office of the county treasurer, and such other places))~~ as determined by the park and recreation commissioners of the district; shall bear interest payable semiannually ~~((and evidenced to maturity by coupons attached to said bonds bearing a coupon interest rate or rates as authorized by the board of park and recreation commissioners))~~; shall be executed by the chairman of the board of park and recreation commissioners, and attested by the secretary of the board, and the seal of such board shall be affixed to each bond, but not to ~~((the))~~ any coupon; and may have facsimile signatures of the chairman and the secretary imprinted on ~~((the))~~ any interest coupons in lieu of original signatures.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 87. Section 6, chapter 94, Laws of 1972 ex. sess. and RCW 36.69-.380 are each amended to read as follows:

Bonds issued under the provisions of this chapter shall be payable solely out of the operating revenues of the park and recreation district. Such bonds shall be authorized by resolution adopted by the board of park and recreation commissioners, which resolution shall create a special fund or funds into which the board of park and recreation commissioners may obligate and bind the district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or fixed amounts of gross revenue received by the district from moneys for services or activities as stated in the resolution, for the purpose of paying the principal of and interest on such bonds as the same shall become due, and if deemed necessary to maintain adequate reserves therefor. Such fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds issued pursuant to this chapter.

The bonds shall be negotiable instruments within the provision and intent of the negotiable instruments law of this state, even though they shall be payable solely from such special fund or funds, and the tax revenue of the district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. The bonds and ~~((the))~~ any coupons attached thereto shall state upon their face that they are payable solely

from such special fund or funds. If the county fails to set aside and pay into such fund or funds, the payments provided for in such resolution, the ((holder)) owner of any such bonds may bring suit to compel compliance with the provisions of the resolution.

Sec. 88. Section 7, chapter 94, Laws of 1972 ex. sess. and RCW 36.69-.390 are each amended to read as follows:

The board of park and recreation commissioners may provide covenants as it may deem necessary to secure the payment of the principal of and interest on such bonds and may, but shall not be required to, include covenants to create a reserve fund or account and to authorize the payment or deposit of certain moneys therein for the purpose of securing the payment of such principal and interest; to establish, maintain, and collect rates, charges, fees, rentals, and the like on the facilities and service the income of which is pledged for the payment of such bonds, sufficient to pay or secure the payment of such principal and interest and to maintain an adequate coverage over annual debt service; and to make any and all other covenants not inconsistent with the provisions of this chapter which will increase the marketability of such bonds. The board may also provide that revenue bonds payable out of the same source or sources may later be sold on a parity with any revenue bonds being issued and sold. The provisions of this chapter and any resolution or resolutions providing for the authorization, issuance, and sale of such bonds shall constitute a contract with the ((holder)) owner of such bonds, and the provisions thereof shall be enforceable by any owner ((or holder)) of such bonds by mandamus or any appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

Sec. 89. Section 8, chapter 94, Laws of 1972 ex. sess. and RCW 36.69-.400 are each amended to read as follows:

(1) The board of parks and recreation commissioners of any district may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue bonds and any interest and premiums due thereon~~((, and matured coupons evidencing interest upon any such bonds))~~ at or before the maturity of such bonds, and parts or all of various series and issues of outstanding revenue bonds ~~((and matured coupons))~~ in the amount thereof to be funded or refunded.

The board shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the board shall obligate and bind the district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the revenue of the recreational facility of the district sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, and the tax revenue of the district may not be used to pay, secure, or guarantee

the payment of the principal of and interest on such bonds. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

The district may exchange such funding or refunding bonds for the bonds, and any coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner, at such price and at such rate or rates of interest as the board shall deem to be for the best interest of the district and its inhabitants, either at public or private sale.

The provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 90. Section 36.76.080, chapter 4, Laws of 1963 as last amended by section 2, chapter 76, Laws of 1971 and RCW 36.76.080 are each amended to read as follows:

The ~~((board))~~ legislative authority of any county may, whenever a majority thereof so decides, submit to the voters of their county the question whether the ~~((board))~~ legislative authority shall be authorized to issue negotiable ~~((coupon))~~ road bonds of the county in an amount subject to the limitations on indebtedness provided for in RCW 39.36.020(2), for the purpose of constructing a new road or roads, or improving established roads within the county, or for aiding in so doing, as herein prescribed.

The word "improvement" wherever used in this ~~((act))~~ section and RCW 36.76.090, 36.76.100, 36.76.110, 36.76.120, and 36.76.130 shall embrace any undertaking for any or all of such purposes. The word "road" shall embrace all highways, roads, streets, avenues, bridges, and other public ways.

The provisions of this ~~((act))~~ section and RCW 36.76.090, 36.76.100, 36.76.110, 36.76.120, and 36.76.130 shall apply not only to roads which are or shall be under the general control of the county, but also to all parts of state roads in such county and to all roads which are situated or are to be constructed wholly or partly within the limits of any incorporated city or town therein, provided the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority finds that they form or will become a part of the public highway system of the county, and will connect the existing roads therein. Such finding may be made by the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority at any stage of the proceedings before the actual delivery of the bonds.

The constructing or improving of any and all such roads, or the aiding therein, is declared to be a county purpose.

The question of the issuance of bonds for any undertaking which relates to a number of different roads or parts thereof, whether intended to supply the whole expenditure or to aid therein, may be submitted to the voters as a single proposition in all cases where such course is consistent with the provisions of the state Constitution. If the county (~~((commissioners))~~) legislative authority, in submitting a proposition relating to different roads or parts thereof, finds that such proposition has for its object the furtherance and accomplishment of the construction of a system of public and county highways in such county, and constitutes and has for its object a single purpose, such finding shall be presumed to be correct, and upon the issuance of the bonds the presumption shall become conclusive.

No proposition for bonds shall be submitted which proposes that more than forty percent of the proceeds thereof shall be expended within any city or town or within any number of cities and towns.

Sec. 91. Section 36.76.090, chapter 4, Laws of 1963 as last amended by section 53, chapter 56, Laws of 1970 ex. sess. and RCW 36.76.090 are each amended to read as follows:

(1) The election may be held at such times and in the manner provided for holding general elections in this state, or it may be held as a special election (~~((at such time))~~) on one of the special election dates provided in RCW 29.13.010 as the ((board)) county legislative authority may designate. The ballots used must contain the words, "Bonds, Yes," and "Bonds, No". If three-fifths of the legal ballots cast on the question of issuing bonds for the improvement contemplated in RCW 36.76.080 are in favor of bonds, the ~~((board))~~ county legislative authority must issue negotiable bonds in due and legal form, and negotiate them in such manner as they may deem to the best advantage of the county, at not less than par value. The bonds authorized by this section shall be issued in the name of the county, in denominations of not less than one hundred nor more than one thousand dollars; they shall ~~((be payable either (1) to some person or corporation (named therein) or the bearer, or (2) simply to the bearer, at such time as shall be stated therein;))~~ not ~~((more than))~~ have a maximum term in excess of twenty years ((after the date of issue)), and shall bear interest at a rate or rates as authorized by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, payable semiannually. The bonds may be in any form, including bearer bonds or may be registered as provided in section 3 of this 1983 act. They may be made payable in any city of the United States containing a national bank. They shall bear the signature of the chairman of the ~~((board))~~ county legislative authority, and be countersigned by the county auditor of the county with the seal of the county thereunto attached, and ~~((the))~~ any interest coupons shall be signed by said chairman and said county auditor~~((, and each bond so issued must be registered in the office of the county treasurer in a book provided for that purpose, which must show the date, number and amount of the bond, date of maturity, rate of interest;~~



~~and the name and address of the person to whom issued~~). The county seal need not be affixed to ~~((the))~~ any coupons. ~~((Each))~~ Any coupon must show the number of the bond to which it belongs. The bonds and any coupons shall be printed, engraved or lithographed on good bond paper.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 92. Section 36.76.120, chapter 4, Laws of 1963 and RCW 36.76-.120 are each amended to read as follows:

The county ~~((commissioners))~~ legislative authority must ascertain and levy annually a tax sufficient to pay the interest on all such bonds whenever it becomes due and to meet the annual maturities of principal as required by Title 39 RCW. All taxes levied either for interest or principal shall be a lien upon all property within the county and must be collected in the same manner as other taxes are collected. The county treasurer must pay out of any money accumulated from the taxes levied to pay the interest as aforesaid, the interest upon all such bonds when it becomes due as provided on the bond or, if coupons are attached to a bond, upon presentation at the place of payment of the proper coupon. ~~((A#))~~ Any interest payments or coupons so paid must be reported to the county ((commissioners)) legislative authority at ((their)) its first meeting thereafter. Whenever ~~((the))~~ any coupons are payable at any place other than the city in which the county treasurer keeps his office, the county treasurer shall seasonably remit to the state fiscal agent the amount of money required for the payment of any coupons which are about to fall due. When any such bonds or any coupons are paid, the county treasurer shall suitably and indelibly cancel them.

Sec. 93. Section 36.88.190, chapter 4, Laws of 1963 and RCW 36.88-.190 are each amended to read as follows:

(1) The ((board)) county legislative authority may provide for the payment of the whole or any portion of the cost and expense of any duly authorized road improvement by bonds and/or warrants of the improvement district which bonds shall be issued and sold as herein provided, but no bonds shall be issued in excess of the cost and expense of the project nor shall they be issued prior to twenty days after the thirty days allowed for the payment of assessments without penalty or interest.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 94. Section 36.88.200, chapter 4, Laws of 1963 as last amended by section 5, chapter 100, Laws of 1980 and RCW 36.88.200 are each amended to read as follows:

(1) Such bonds shall be numbered from one upwards consecutively, shall be in such denominations as may be provided by the county legislative authority in the resolution authorizing their issuance, shall mature on or before a date not to exceed twenty-two years from and after their date, shall bear interest at such rate or rates as authorized by the legislative authority payable annually or semiannually as may be provided by the legislative authority, shall be signed by the chairman of the legislative authority and attested by the county auditor, shall have the seal of the county affixed thereto, and shall be payable at the office of the county treasurer or elsewhere as may be designated by the legislative authority~~(; and shall have attached thereto interest coupons for each interest payment which said coupons shall be signed by the chairman of the legislative authority and attested by the auditor)~~. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. In lieu of any signatures required in this section, the bonds and any coupons may bear the printed or engraved facsimile signatures of said officials.

Such bonds shall refer to the improvement for which they are issued and to the resolution creating the road improvement district therefor.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 95. Section 36.88.210, chapter 4, Laws of 1963 and RCW 36.88-.210 are each amended to read as follows:

(1) The bonds issued under the provisions of this chapter may be issued to the contractor or sold by the ~~((board))~~ county legislative authority as authorized by the resolution directing their issuance at not less than their par value and accrued interest to the date of delivery. No bonds shall be sold except at public sale upon competitive bids and a notice calling for bids shall be published once a week for two consecutive weeks in the official newspaper of the county. Such notice shall specify a place and designate a day and hour subsequent to the date of last publication thereof when sealed bids will be received and publicly opened for the purchase of said bonds. The proceeds of all sales of bonds shall be deposited in the county road improvement district fund and applied to the cost and expense of the district.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 96. Section 36.88.230, chapter 4, Laws of 1963 as amended by section 12, chapter 156, Laws of 1981 and RCW 36.88.230 are each amended to read as follows:

Whenever there shall be paid out of a guaranty fund any sum on account of principal or interest of a road improvement district bond or warrant, the county, as trustee for the fund, shall be subrogated to all the rights of the ~~((holder))~~ owner of the bond or any interest coupon or warrant so

paid, and the proceeds thereof, or of the assessment underlying the same, shall become part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from bank deposits or government securities of the fund, as well as any surplus remaining in any local improvement fund guaranteed hereunder after the payment of all outstanding bonds or warrants payable primarily out of such road improvement fund. Warrants drawing interest at a rate or rates not to exceed the rate determined by the county legislative authority shall be issued, as other warrants are issued by the county, against a guaranty fund to meet any liability accruing against it, and at the time of making its annual budget and tax levy the county shall provide from funds available for road purposes for the deposit in the guaranty fund of a sum sufficient with other resources of such fund to pay warrants so issued during the preceding fiscal year. As among the several issues of bonds or warrants guaranteed by the fund no preference shall exist, but defaulted (~~(interest coupons,)~~) bonds, interest payments, and warrants shall be purchased out of the fund in the order of their presentation.

Every county establishing a guaranty fund for road improvement district bonds or warrants shall prescribe by resolution appropriate rules and regulations for the maintenance and operation of the guaranty fund not inconsistent herewith. So much of the money of a guaranty fund as is necessary may be used to purchase underlying bonds or warrants guaranteed by the fund, or to purchase certificates of delinquency for general taxes on property subject to local improvement assessments, or to purchase such property at tax foreclosures, for the purpose of protecting the guaranty fund. Said fund shall be subrogated to the rights of the county, and the county, acting on behalf of said fund, may foreclose the lien of general tax certificates of delinquency and purchase the property at the foreclosure sale for the account of said fund. Whenever the (~~(governing)~~) legislative authority of any county shall so cause a lien of general tax certificates of delinquency to be foreclosed and the property to be so purchased at a foreclosure sale, the court costs and costs of publication and expenses for clerical work and/or other expense incidental thereto, shall be chargeable to and payable from the guaranty fund. After so acquiring title to real property, a county may lease or sell and convey the same at public or private sale for such price and on such terms as may be determined by resolution of the (~~(board of commissioners or other)~~) county legislative body, and all proceeds resulting from such sales shall belong to and be paid into the guaranty fund.

Sec. 97. Section 36.88.240, chapter 4, Laws of 1963 and RCW 36.88-.240 are each amended to read as follows:

(~~(Neither the holder nor)~~) The owner of any bond or warrant issued under the provisions of this chapter shall not have any claim therefor against the county by which the same is issued, except for payment from the special assessments made for the improvement for which said bond or

warrant was issued and except as against the improvement guaranty fund of such county, and the county shall not be liable to any (~~holder or~~) owner of such bond or warrant for any loss to the guaranty fund occurring in the lawful operation thereof by the county. The remedy of the (~~holder or~~) owner of a bond, or warrant in case of nonpayment, shall be confined to the enforcement of any assessments made in such road improvement district and to the guaranty fund. In case the bonds are guaranteed in accordance herewith a copy of the foregoing part of this section shall be plainly written, printed or engraved on each bond issued and guaranteed hereunder.

Sec. 98. Section 7, chapter 194, Laws of 1967 as amended by section 13, chapter 156, Laws of 1981 and RCW 36.88.470 are each amended to read as follows:

Whenever there shall be paid out of the guaranty fund any sum on account of principal or interest of a county road improvement district bond or warrant, the county, as trustee for the fund, shall be subrogated to all the rights of the (~~holder~~) owner of the bond or any interest coupon or warrant so paid, and the proceeds thereof, or of the assessment underlying the same, shall become part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from investments of the fund, as well as any surplus remaining in any county road improvement fund guaranteed hereunder after the payment of all outstanding bonds or warrants payable primarily out of such utility conversion county road improvement district fund. Warrants drawing interest at a rate or rates not to exceed the rate determined by the county legislative authority shall be issued, as other warrants are issued by the county, against the guaranty fund to meet any liability accruing against it, and at the time of making its annual budget and tax levy the county shall provide from funds available for the deposit in the guaranty fund of a sum sufficient with other resources of such fund to pay warrants so issued during the preceding fiscal year. As among the several issues of bonds or warrants guaranteed by the fund no preference shall exist, but defaulted (~~(interest coupons;)~~) bonds, interest payments, and warrants shall be purchased out of the fund in the order of their presentation.

Every county establishing a guaranty fund for utility conversion road improvement district bonds or warrants shall prescribe by resolution appropriate rules and regulations for the maintenance and operation of such guaranty fund not inconsistent herewith. So much of the money of a guaranty fund as is necessary may be used to purchase underlying bonds or warrants guaranteed by the fund, or to purchase certificates of delinquency for general taxes on property subject to local improvement assessments, or to purchase such property at tax foreclosures, for the purpose of protecting the guaranty fund. The fund shall be subrogated to the rights of the county and the county, acting on behalf of the fund, may foreclose the lien of general tax certificates of delinquency and purchase the property at the foreclosure sale for the account of said fund. Whenever the (~~governing~~)

legislative authority of any county shall so cause a lien of general tax certificates of delinquency to be foreclosed and the property to be so purchased at a foreclosure sale, the court costs and costs of publication and expenses for clerical work and/or other expense incidental thereto, shall be chargeable to and payable from the guaranty fund. After so acquiring title to real property, a county may lease or sell and convey the same at public or private sale for such price and on such terms as may be determined by resolution of the ~~((board of))~~ county ~~((commissioners or other))~~ legislative ((body)) authority, and all proceeds resulting from such sales shall belong to and be paid into the guaranty fund.

Sec. 99. Section 4, chapter 109, Laws of 1967 as amended by section 4, chapter 30, Laws of 1970 ex. sess. and RCW 36.89.040 are each amended to read as follows:

(1) To carry out the purposes of this chapter counties shall have the power to issue general obligation bonds within the limitations now or hereafter prescribed by the Constitution and laws of this state. Such general obligation bonds shall be authorized, issued and made payable as provided in Title 39 RCW. The ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall determine the manner of execution of such bonds and may provide in the principal amount of such bond issue for costs of engineering, architectural, planning, financial, legal and other services incident to the purpose of such bonds. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

The question of issuance of bonds for any undertaking which relates to a number of different highways or parts thereof, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein, may be submitted to the voters of the county as a single proposition. If the ~~((board of))~~ county ~~((commissioners))~~ legislative authority in submitting a proposition relating to different highways or parts thereof declare that such proposition has for its object the furtherance and accomplishment of the construction of a system of connected public highways within such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

The question of the issuance of bonds for any undertaking which relates to a number of different open spaces, park, recreation and community facilities, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein may be submitted to the voters as a single proposition. If the ~~((board of))~~ county ~~((commissioners))~~ legislative authority in submitting a proposition relating to different open spaces, park, recreation and community facilities declare that such proposition has for its object the furtherance, accomplishment or preservation of an open space,

park, recreation and community facilities system available to, and for the benefit of, all the residents of such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

The question of the issuance of bonds for any undertaking which relates to a number of different public health and safety facilities, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein may be submitted to the voters as a single proposition. If the ~~((board of))~~ county ~~((commissioners))~~ legislative authority in submitting a proposition relating to different public health and safety facilities declare that such proposition has for its object the furtherance or accomplishment of a system of public health and safety facilities for the benefit of all the residents of such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

The question of the issuance of bonds for any undertaking which relates to a number of different storm water control facilities, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein may be submitted to the voters as a single proposition. If the ~~((board of))~~ county ~~((commissioners))~~ legislative authority in submitting a proposition relating to different storm water control facilities declare that such proposition has for its object the furtherance, accomplishment or preservation of a storm water control facilities system for the benefit of all the residents of such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 100. Section 9, chapter 30, Laws of 1970 ex. sess. as amended by section 20, chapter 313, Laws of 1981 and RCW 36.89.100 are each amended to read as follows:

(1) Any county legislative authority may authorize the issuance of revenue bonds to finance any storm water control facility. Such bonds may be issued by the ~~((board))~~ county legislative authority in the same manner as prescribed in RCW 36.67.510 through 36.67.570. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

Each revenue bond shall state on its face that it is payable from a special fund, naming such fund and the resolution creating the fund.

Revenue bond principal, interest, and all other related necessary expenses shall be payable only out of the appropriate special fund or funds.

Revenue bonds shall be payable from the revenues of the storm water control facility being financed by the bonds, a system of these facilities and, if so provided, from special assessments, installments thereof, and interest and penalties thereon, levied in one or more utility local improvement districts authorized by this 1981 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 101. Section 20, chapter 72, Laws of 1967 as amended by section 2, chapter 313, Laws of 1981 and RCW 36.94.200 are each amended to read as follows:

(1) The legislative authority of any county is hereby authorized for the purpose of carrying out the lawful powers granted by this chapter to contract indebtedness and to issue general obligation bonds pursuant to and in the manner provided for general county bonds in chapter 36.67 RCW and other applicable statutes; and to issue revenue bonds pursuant to and in the manner provided for revenue bonds in chapter 36.67 RCW and other applicable statutes. The county legislative authority may also issue local improvement district bonds in the manner provided for cities and towns. These general obligation bonds, revenue bonds, and local improvement district bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, any of these bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 102. Section 13, chapter 155, Laws of 1971 ex. sess. as amended by section 2, chapter 100, Laws of 1980 and RCW 36.95.130 are each amended to read as follows:

In addition to other powers provided for under this chapter, the board shall have the following powers:

(1) To perform all acts necessary to assure that the purposes of this chapter will be carried out fairly and efficiently;

(2) To acquire, build, construct, repair, own, maintain, and operate any necessary stations retransmitting simultaneous visual and aural signals intended to be received by the general public, relay stations, pick-up stations, or any other electrical or electronic system necessary: PROVIDED, That the board shall have no power to originate programs;

(3) To make contracts to compensate any owner of land or other property for the use of such property for the purposes of this chapter;

(4) To make contracts with the United States, or any state, municipality, or any department or agency of those entities for carrying out the general purposes for which the district is formed;

(5) To acquire by gift, devise, bequest, lease, or purchase real and personal property, tangible or intangible, including lands, rights of way, and easements, necessary or convenient for its purposes;

(6) To make contracts of any lawful nature (including labor contracts or those for employees' benefits), employ engineers, laboratory personnel, attorneys, other technical or professional assistants, and any other assistants or employees necessary to carry out the provisions of this chapter;

(7) To contract indebtedness or borrow money(;) and to issue warrants or bonds to be paid from district revenues: PROVIDED, That the bonds, warrants, or other obligations may be in any form, including bearer or registered as provided in section 3 of this 1983 act; PROVIDED FURTHER, That such warrants and bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act);

(8) To prescribe tax rates for the providing of services throughout the area in accordance with the provisions of this chapter; and

(9) To apply for, accept, and be the holder of any permit or license issued by or required under federal or state law.

Sec. 103. Section 16, chapter 155, Laws of 1971 ex. sess. as amended by section 4, chapter 52, Laws of 1981 and RCW 36.95.160 are each amended to read as follows:

The treasurer of the county in which a district is located shall be ex officio treasurer of the district. The treasurer shall collect the excise tax provided for under this chapter and shall send notice of payment due to persons owing the tax: PROVIDED, That districts with fewer than twelve hundred persons subject to the excise tax and levying an excise tax of forty dollars or more per television set per year shall have the option of having the district (1) send the tax notices bimonthly, and (2) collect the excise taxes which shall then be forwarded to the county treasurer for deposit in the district account. There shall be deposited with him all funds of the district. All district payments shall be made by him from such funds upon warrants issued by the county auditor, except the sums to be paid out of any bond fund (~~upon coupons or bonds presented to the treasurer~~) for principal and interest payments on bonds. All warrants shall be paid in the order of issuance. The treasurer shall report monthly to the board, in writing, the amount in the district fund or funds.

Sec. 104. Section 3, chapter 184, Laws of 1971 ex. sess. and RCW 39.42.030 are each amended to read as follows:

The state finance committee shall by resolution determine the amount, date or dates, (~~form~~) terms, conditions, denominations, maximum interest rate or rates, which may be fixed or variable, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, (~~and~~) covenants, and form, including bearer or registered as provided in section 3 of this 1983 act, of all evidences of indebtedness including the funding or refunding of any existing indebtedness.



Sec. 105. Section 1, chapter 151, Laws of 1923 as last amended by section 1, chapter 74, Laws of 1965 ex. sess. and RCW 39.44.010 are each amended to read as follows:

Hereafter ~~((a))~~ general obligation bonds, including refunding bonds, issued under lawful authority by any political subdivision, or municipal or quasi municipal corporation now or hereafter existing under the laws of the state of Washington, hereinafter in this amendatory act called the "issuer", ~~((shall))~~ may be issued as provided in this section. Such bonds may be serial in form and maturity and numbered from one upward consecutively. Except for the first interest payment which may be at any time not more than twelve months from date of issue, interest on all such bonds ~~((shall))~~ may be payable semiannually. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. The interest on ~~((coupon))~~ bearer bonds may only be evidenced by a single coupon and no more than one coupon rate may be fixed for all bonds maturing on the same date. The various annual maturities of such bonds, except refunding bonds, ~~((shall))~~ may commence not less than two years or more than five years from the date of issue and shall be fixed in the ordinance or resolution authorizing the sale of the same in amounts that will result in a difference of not more than five thousand dollars between the highest and lowest annual payment of principal and interest, excluding the years up to and including the year in which principal payments commence, computed on the anticipated effective interest rate such governing body shall in its discretion determine will be borne by such bonds. The provisions of this section shall not constitute any limitation on the number of coupon rates of interest or the amount of difference between the highest and lowest interest rates that may be specified by bidders: PROVIDED, That such governing body may, in its discretion, in the sale proceedings, limit the number of interest rates and the amount of difference between the highest and lowest rates bid.

Sec. 106. Section 3, chapter 151, Laws of 1923 as last amended by section 11, chapter 216, Laws of 1982 and RCW 39.44.030 are each amended to read as follows:

(1) Before any general obligation bonds issued by any county, city, town, school district, port district, or metropolitan park district shall be offered for sale the governing body issuing such bonds shall designate the maximum effective rate of interest said bonds shall bear, which shall not be in excess of that allowed by law. Except as provided in ~~((section 94, chapter 232, Laws of 1969 ex. sess.))~~ this section and RCW 39.44.900, when a vote of the electors shall have been taken on the question of the issuance of such bonds and the proposition submitted to the electors shall have specified the maximum effective rate of interest to be borne by said bonds, no increase of such maximum effective rate of interest shall be made by the governing body. All such bonds, including refunding bonds, shall be sold at public sale,

and a notice calling for bids for the purchase of said bonds shall be published once a week for two consecutive weeks in the official newspaper of the issuer, and such other notice shall be given as the governing body may direct; or, if there be no official newspaper of the issuer, the publication shall be made in a newspaper of general circulation in the county in which the issuer is located. Such notice shall specify a place, and designate a day and hour, subsequent to the date of the last publication and at least ten days subsequent to the date of the first publication thereof when sealed bids will be received and publicly opened for the purchase of said bonds. The notice shall specify the maturity schedule and the maximum effective rate of interest such bonds shall bear, and shall require bidders to submit a bid specifying ~~((+))~~ (a) the lowest rate or rates of interest and premium, if any, above par, at which such bidder will purchase said bonds; or ~~((2))~~ (b) the lowest rate or rates of interest at which the bidder will purchase said bonds at par. The bonds shall be sold to the bidder offering to purchase the same at the lowest net interest cost to the issuer over the life thereof, subject to the right of the governing body to reject any and all bids. None of such bonds shall be sold at less than par and accrued interest, nor shall any discount or commission be allowed or paid to the purchaser or purchasers of such bonds. All bids shall be sealed and, except the bid of the state of Washington, if one is received, shall be accompanied by a good faith deposit of five percent, either in cash or by cashier's or certified check made payable to the treasurer of the issuer, of the amount of the principal par value of such bonds which shall be promptly returned if the bid is not accepted; and if the successful bidder shall fail or neglect to complete the purchase of said bonds by the time specified in the notice of sale for the delivery of said bonds, the amount of his deposit shall be forfeited to the issuer, and in that event the governing body may accept the bid of the one making the next best bid if such bidder agrees to purchase said bonds under the terms provided in his bid, or if all bids be rejected such governing body, if it decides to reoffer such bonds for sale, shall readvertise said bonds for sale in the same manner as herein provided for the original advertisement. If there be two or more equal bids and such bids are the best bids received, the governing body shall determine by lot which bid will be accepted.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 107. Section 1, chapter 52, Laws of 1941 as last amended by section 3, chapter 141, Laws of 1961 and RCW 39.44.100 are each amended to read as follows:

On all bonds hereafter issued by the state or any agency thereof or by any county, city, town, municipal corporation, quasi municipal corporation, junior taxing district, school district or other political subdivision of the

state, the printed, engraved or lithographed facsimile signatures of the officers required by law to sign the bonds or any interest coupons thereon shall be sufficient signature on such bonds or coupons: PROVIDED, That such facsimile signatures shall not be used on the bonds of issues of less than one hundred thousand dollars par value and may always be used on interest coupons.

Whenever such facsimile signature reproduction of the signature of any officer is used in place of the personal signature of such officer, the issuing authority 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 issuing authority, within ninety days after receipt of the completed bonds or coupons, to ascertain that such plate or plates have been destroyed.

Sec. 108. Section 1, chapter 91, Laws of 1915 as amended by section 4, chapter 141, Laws of 1961 and RCW 39.44.110 are each amended to read as follows:

Upon the presentation at the office of the officer or agent hereinafter provided for, any bond which is bearer in form that has heretofore been or may hereafter be issued by any county, city, town, port, school district, or other municipal or quasi municipal corporation in this state, may, if so provided in the proceedings authorizing the issuance of the same, be registered as to principal in the name of the owner upon the books of such municipality to be kept in said office, such registration to be noted on the reverse of the bond by such officer or agent. The principal of any bond so registered shall be payable only to the payee, his legal representative, successors or assigns, and such bond shall be transferable to another registered holder or back to bearer only upon presentation to such officer or agent, with a written assignment duly acknowledged or proved. The name of the assignee shall be written upon any bond so transferred and in the books so kept in the office of such officer or agent.

Sec. 109. Section 2, chapter 91, Laws of 1915 as amended by section 5, chapter 141, Laws of 1961 and RCW 39.44.120 are each amended to read as follows:

If so provided in the proceedings authorizing the issuance of any such bonds, upon the registration thereof as to principal, or at any time thereafter, the coupons thereto attached, evidencing all interest to be paid thereon to the date of maturity, may be surrendered to the officer or agent hereinafter provided and the bonds shall also become registered as to interest. Such coupons shall be canceled by such officer or agent, who shall sign a

statement endorsed upon such bond of the cancellation of all unmatured coupons and the registration of such bond. Thereafter the interest evidenced by such canceled coupons shall be paid at the times provided therein to the registered ((holder)) owner of such bond in lawful money of the United States of America mailed to his address.

Sec. 110. Section 3, chapter 91, Laws of 1915 as amended by section 1, chapter 79, Laws of 1971 ex. sess. and RCW 39.44.130 are each amended to read as follows:

The duties ((herein)) prescribed in this chapter as to the registration of bonds of any city or town shall be performed by the treasurer thereof, and as to those of any county, port or school district by the county treasurer of the county in which such port or school district lies; but any county, city, town, port or school district may designate by resolution any other officer for the performance of such duties, and any county, city, town, port or school district may designate by resolution its legally designated fiscal agency or agencies for the performance of such duties, after making arrangements with such fiscal agency therefor, which arrangements may include provision for the payment by the ((bondholder)) bond owner of a fee ((not exceeding twenty-five cents)) for each registration.

Sec. 111. Section 1, chapter 229, Laws of 1977 ex. sess. and RCW 39.44.140 are each amended to read as follows:

Any county, city, town, political subdivision, or other municipal or quasi 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.

Sec. 112. Section 4, chapter 216, Laws of 1982 and RCW 39.50.030 are each amended to read as follows:

(1) The issuance of short-term obligations shall be authorized by ordinance of the governing body which ordinance shall fix the maximum amount of the obligations to be issued or, if applicable, the maximum

amount which may be outstanding at any time, the maximum term and interest rate or rates to be borne thereby, the manner of sale, maximum price, form including bearer or registered as provided in section 3 of this 1983 act, terms, conditions, and the covenants thereof: PROVIDED, That general obligation short-term obligations shall be sold at not less than the par value thereof. The ordinance may provide for designation and employment of a paying\*agent for the short-term obligations and may authorize a designated representative of the municipal corporation to act on its behalf and subject to the terms of the ordinance in selling and delivering short-term obligations authorized and fixing the dates, price, interest rates, and other details as may be specified in the ordinance. Short-term obligations issued under this section shall bear such fixed or variable rate or rates of interest as the governing body considers to be in the best interests of the municipal corporation. Variable rates of interest may be fixed in relationship to such standard or index as the governing body designates.

The governing body may make contracts for the future sale of short-term obligations pursuant to which the purchasers are committed to purchase the short-term obligations from time to time on the terms and conditions stated in the contract, and may pay such consideration as it considers proper for the commitments. Short-term obligations issued pursuant to these contracts shall mature no later than three years after the date of the contract, but obligations issued in anticipation of the receipt of taxes shall be paid within six months from the end of the fiscal year in which they are issued.

(2) Notwithstanding subsection (1) of this section, such short-term obligations may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 113. Section 2, chapter 170, Laws of 1895 as last amended by section 60, chapter 56, Laws of 1970 ex. sess. and RCW 39.52.020 are each amended to read as follows:

(1) Funding bonds authorized to be issued by this chapter shall be in denominations of not less than one hundred dollars, nor more than one thousand dollars, and shall be signed by the following corporate authorities: When issued by a county, the chairman of the ((board of)) county ((commissioners)) legislative authority, countersigned by the county treasurer and attested by the county auditor, who shall affix his official seal; when issued by a city or town, by its mayor, countersigned by its treasurer and attested by its clerk, who shall affix his official seal. They shall bear interest at a rate or rates as authorized by the corporate authorities, payable semiannually((; which interest shall be evidenced by proper coupons attached to each bond)). Such corporate authorities shall, by ordinance or resolution, provide for the manner of issuing and the form of said bonds, including bearer bonds or registered bonds as provided in section 3 of this 1983 act, and the time or times when the same shall be made payable; but no bonds issued

under this chapter shall be issued for a longer period than twenty years, and when they shall be made payable at different periods within said twenty years, they shall be divided into series not to exceed twenty in number, but there shall be as many series as there are different times of payment, and all bonds included in each series shall be made payable at the same time. The principal and interest may be made payable at any place in the United States designated by the corporate authorities of such county, city or town. Such bonds shall not be issued to an aggregate amount in excess of the warrants or other outstanding indebtedness proposed to be funded thereby. They may be exchanged at not less than their par value for such warrants or other outstanding indebtedness, or may be sold at not less than their par value, and the proceeds used exclusively for the purpose of retiring and canceling such warrants and interest thereon or other indebtedness: **PROVIDED**, That nothing in this chapter contained shall be deemed to authorize the issuing of any funding bonds which, other than that proposed to be funded under the provisions of this chapter, shall exceed any constitutional limitation of indebtedness, or any indebtedness which might be incurred with the assent of three-fifths of the voters of such county, city or town voting at an election to be held for that purpose.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 114. Section 3, chapter 170, Laws of 1895 as last amended by section 1, chapter 204, Laws of 1909 and RCW 39.52.030 are each amended to read as follows:

(1) Bonds may be issued without notice under the provisions of this chapter for the purpose of funding or refunding outstanding warrants in cases where the issuance of such bonds shall have been previously authorized by the voters of such county, city or town, when exchanged at not less than par value, or for the purpose of funding or refunding outstanding bonds, when exchanged at not less than par value, but before any other bonds shall be issued under the provisions of this chapter, such corporate authorities shall cause a notice of the proposed issuance of such bonds to be given by publication in a daily or weekly newspaper of general circulation published in the county proposing to issue such bonds, or in which county such city or town is situated, at least once a week for four consecutive weeks. Such notice shall state for what purpose and the total amount for which it is so proposed to issue bonds, and if to be divided into series, then into how many series the same are to be divided, and the amount of and period for which each series is to run, also the hour and day for considering bids for such bonds, and asking bidders to name the price and rate of interest at which they will purchase such bonds, and if such bonds are to be divided into series then to name such price and rate for each series of such bonds, separately; and at the time named in such notice it shall be the duty

of the corporate authorities to meet with the treasurer of the county, city, or town proposing to issue such bonds, at his office, and with him open said bids, and shall sell said bonds to the person or persons making the most advantageous offer therefor: PROVIDED, HOWEVER, That said bonds shall never be sold or disposed of below par, and such corporate authorities shall have the right to reject any and all bids, and if all said bids shall be rejected, such corporate authorities shall proceed to readvertise the sale of said bonds in the manner herein provided.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 115. Section 10, chapter 300, Laws of 1981 and RCW 39.84.100 are each amended to read as follows:

(1) The principal of and the interest on any revenue bonds issued by a public corporation shall be payable solely from the funds provided for this payment from the revenues of the industrial development facilities funded by the revenue bonds. Each issue of revenue bonds shall be dated, shall bear interest at such rate or rates, and shall mature at such time or times as may be determined by the board of directors, and may be made redeemable before maturity at such price or prices and under such terms and conditions as may be fixed by the board of directors prior to the issuance of the revenue bonds or other revenue obligations.

(2) The board of directors shall determine the form and the manner of execution of the revenue bonds(~~(, including any interest coupons to be attached thereto;)~~) and shall fix the denomination or denominations of the revenue bonds and the place or places of payment of principal and interest. If any officer whose signature or a facsimile of whose signature appears on any revenue bonds or any coupons ceases to be an officer before the delivery of the revenue bonds, the signature shall for all purposes have the same effect as if he had remained in office until delivery. The revenue bonds may be issued in coupon or in registered form, as provided in section 3 of this 1983 act, or both as the board of directors may determine, and provisions may be made for the registration of any coupon revenue bonds as to the principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. A public corporation may sell revenue bonds at public or private sale for such price and bearing interest at such fixed or variable rate as may be determined by the board of directors.

(3) The proceeds of the revenue bonds of each issue shall be used solely for the payment of all or part of the project cost of or for the making of a loan in the amount of all or part of the project cost of the industrial development facility for which authorized and shall be disbursed in such manner and under such restrictions, if any, provided in the resolution authorizing the issuance of the revenue bonds or in the trust agreement securing the

bonds. If the proceeds of the revenue bonds of any series issued with respect to the cost of any industrial development facility exceeds the cost of the industrial development facility for which issued, the surplus shall be deposited to the credit of the debt service fund for the revenue bonds or used to purchase revenue bonds in the open market.

(4) A public corporation may issue interim notes in the manner provided for the issuance of revenue bonds to fund industrial development facilities prior to issuing other revenue bonds to fund such facilities. A public corporation may issue revenue bonds to fund industrial development facilities that are exchangeable for other revenue bonds when these other revenue bonds are executed and available for delivery.

(5) The principal of and interest on any revenue bonds issued by a public corporation shall be secured by a pledge of unexpended bond proceeds and the revenues and receipts received by the public corporation from the industrial development facilities funded by the revenue bonds pursuant to financing documents. The resolution under which the revenue bonds are authorized to be issued and any financing document may contain agreements and provisions respecting the maintenance or use of the industrial development facility covered thereby, the fixing and collection of rents, purchase price payments or loan payments, the creation and maintenance of special funds from such revenues or from revenue bond proceeds, the rights and remedies available in the event of default, and other provisions relating to the security for the bonds, all as the board of directors consider advisable which are not in conflict with this chapter.

(6) The governing body of the municipality under whose auspices the public corporation is created shall approve by resolution any agreement to issue revenue bonds adopted by a public corporation, which agreement and resolution shall set out the amount and purpose of the revenue bonds. Additionally, no issue of revenue bonds, including refunding bonds, may be sold and delivered by a public corporation without a resolution of the governing body of the municipality under whose auspices the public corporation is created, adopted no more than sixty days before the date of sale of the revenue bonds specifically, approving the resolution of the public corporation providing for the issuance of the revenue bonds.

(7) All revenue bonds issued under this chapter and ~~((and))~~ any interest coupons applicable thereto are negotiable instruments within the meaning of Article 8 of the Uniform Commercial Code, Title 62A RCW, regardless of form or character.

(8) Notwithstanding subsections (1) and (2) of this section, such bonds and interim notes may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 116. Section 43.52.3411, chapter 8, Laws of 1965 as amended by section 2, chapter 1, Laws of 1981 1st ex. sess. and RCW 43.52.3411 are each amended to read as follows:



For the purposes provided for in this chapter, an operating agency shall have power to issue revenue bonds or warrants payable from the revenues of the utility properties operated by it. Whenever the board of a joint operating agency shall deem it advisable to issue bonds or warrants to construct or acquire any public utility or any works, plants or facilities or any additions or betterments thereto or extensions thereof it shall provide therefor by resolution, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be. Such cost may include funds for working capital, for payment of expenses incurred in the acquisition or construction of the utility and for the repayment of advances made to the operating agency by any public utility district or city. Except as otherwise provided in RCW 43.52.343, all the provisions of law as now or hereafter in effect relating to revenue bonds or warrants of public utility districts shall apply to revenue bonds or warrants issued by the joint operating agency including, without limitation, provisions relating to: The creation of special funds and the pledging of revenues thereto; the time and place of payment of such bonds or warrants and the interest rate or rates thereon; the covenants that may be contained therein and the effect thereof; the execution, issuance, sale, funding, or refunding, redemption and registration of such bonds or warrants; and the status thereof as negotiable instruments, as legal securities for deposits of public moneys and as legal investments for trustees and other fiduciaries and for savings and loan associations, banks and insurance companies doing business in this state. However, for revenue bonds or warrants issued by an operating agency, the provisions under RCW 54.24.030 relating to additional or alternate methods for payment may be made a part of the contract with the ~~((holders))~~ owners of any revenue bonds or warrants of an operating agency. The board may authorize the managing director or the treasurer of the operating agency to sell revenue bonds or warrants maturing one year or less from the date of issuance, and to fix the interest rate or rates on such revenue bonds or warrants with such restrictions as the board shall prescribe. Such bonds and warrants may be in any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in section 3 of this 1983 act. Such bonds and warrants may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 117. Section 2, chapter 80, Laws of 1969 ex. sess. as amended by section 1, chapter 216, Laws of 1982 and RCW 43.80.110 are each amended to read as follows:

Fiscal agencies shall be appointed for the payment of bonds and any coupons issued by this state or by any subdivision thereof. The appointed fiscal agencies may be located in any major city of the country. No bonds hereafter issued by this state or by any affected subdivision thereof, shall be by their terms made payable at a specific place other than: (1) The office of the designated fiscal agencies; (2) offices of the state or local treasurers or

fiscal offices of any affected subdivision; or (3) the offices of trustees if provided for in the indenture, as provided for by the terms of the bonds. As used in this chapter, bonds do not include short-term obligations. Fiscal agencies may be authorized to register bonds in accordance with section 3 of this 1983 act.

Bonds and any coupons of subdivisions may be paid at one or more of the state's fiscal agents and/or at the office of the state treasurer or offices of local treasurers as provided for in the terms of the bonds.

Sec. 118. Section 47.56.140, chapter 13, Laws of 1961 as last amended by section 62, chapter 56, Laws of 1970 ex. sess. and RCW 47.56.140 are each amended to read as follows:

The revenue bonds may be issued and sold by the ~~((authority))~~ department of transportation from time to time and in such amounts as it deems necessary to provide sufficient funds for the construction of the bridge, and to pay interest on outstanding bonds issued for its construction during the period of actual construction and for six months after completion thereof.

The ~~((authority))~~ department of transportation shall determine the form, conditions, and denominations of the bonds, and the maturity dates which the bonds to be sold shall bear and the interest rate thereon. All bonds of the same issue need not bear the same interest rate. Principal and interest of the bonds ~~((shall))~~ may be payable at such place as determined by the ~~((authority, and may contain provisions for registration as to principal or interest, or both))~~ department. They ~~((shall))~~ may be in ~~((coupon))~~ any form including bearer bonds or registered bonds as provided in section 3 of this 1983 act, with interest payable at such times as determined by the ~~((authority))~~ department, and shall mature at such times and in such amounts as the ~~((authority))~~ department prescribes. The ~~((authority))~~ department may provide for the retirement of the bonds at any time prior to maturity, and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance of the bonds. All such bonds shall be signed by the state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor. The countersignature of the governor on such bonds and the signature of the state auditor on ~~((such))~~ any coupons may be their printed or lithographed facsimile signatures. Successive issues of such bonds within the limits of the original authorization shall have equal preference with respect to the redemption thereof and the payment of interest thereon. The ~~((authority))~~ department may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. The bonds shall be negotiable instruments under the law merchant. All bonds issued and sold hereunder shall be sold on sealed bids to the highest and best bidder after such advertising for bids as the ~~((authority))~~ department deems proper. The ~~((authority))~~ department may reject any and all bids and may thereafter sell the bonds at private sale under such terms and

conditions as it deems most advantageous to its own interests; but not at a price below that of the best bid which was rejected. The ~~((authority))~~ department may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any agency thereof, upon such conditions and terms as may be agreed to and the bonds shall be subject to all the provisions of this chapter, except the requirement that they be first offered at public sale.

Temporary or interim bonds, certificates, or receipts, of any denomination, and with or without coupons attached, signed by the state auditor, may be issued and delivered until bonds are executed and available for delivery.

Sec. 119. Section 49, chapter 145, Laws of 1967 ex. sess. and RCW 47.56.243 are each amended to read as follows:

After transfer of such moneys pursuant to RCW 47.56.242, all valid claims against such accounts, including proper claims for refunds for unused commute media and other prepaid toll fees, may be satisfied, and any outstanding bonds or any coupons may be redeemed by payment from the motor vehicle fund upon proper application to and approval by the ~~((highway commission))~~ department of transportation.

Neither the provisions of this section nor of RCW 47.56.242 shall be construed to preclude any remedy otherwise available to bond owners or coupon holders.

Sec. 120. Section 34, chapter 34, Laws of 1939 as last amended by section 1, chapter 221, Laws of 1959 and RCW 52.16.020 are each amended to read as follows:

In each county in which a fire protection district is situated, there are hereby created in the county treasurer's office, for the use of each said district, the following funds: (1) Expense fund; (2) ~~((coupon warrant fund; (3)))~~ reserve fund; ~~((4))~~ (3) local improvement district No. . . . . fund; and ~~((5))~~ (4) general obligation bond fund. All taxes levied for administrative, operative, and maintenance purposes and for the purchase of fire-fighting equipment and apparatus and for the housing thereof, when collected, and proceeds from the sale of ~~((coupon warrants))~~ general obligation bonds shall be placed by the county treasurer in the expense fund. All taxes levied for the payment of ~~((coupon warrants))~~ general obligation bonds and interest thereon, when collected, shall be placed by the county treasurer in the ~~((coupon warrant))~~ general obligation bond fund. ~~((Proceeds from the sale of general obligation bonds shall be placed by the county treasurer in the expense fund.))~~ The board of fire commissioners may include in its annual budget items of possible outlay to be provided for and held in reserve for any district purpose, and taxes shall be levied therefor, and all such taxes, when collected, shall be placed by the county treasurer in the reserve fund; said reserve fund, or any part thereof, may be transferred by the county treasurer to any other funds of the district at any time

upon order of the board of fire commissioners. All special ~~((taxes))~~ assessments levied against the lands in any improvement district within the district, when collected, shall be placed by the county treasurer in the local improvement district fund for such local improvement district.

Sec. 121. Section 37, chapter 34, Laws of 1939 and RCW 52.16.050 are each amended to read as follows:

The county treasurer shall pay out money received for the account of the district upon warrants issued by the county auditor against the proper funds of the district. Said warrants shall be issued on vouchers approved and signed by a majority of the district board and by the secretary thereof. The county treasurer shall also be authorized to pay ~~((coupon warrants))~~ general obligation bonds and the accrued interest thereon in accordance with their terms out of the ~~((coupon warrant))~~ general obligation bond fund ~~((upon presentation of such warrants or interest coupons thereof))~~ when interest or principal payments become due. The county treasurer shall report in writing monthly to the secretary of the district the amount of money held by him in each fund and the amounts of receipts and disbursements for each fund during the preceding month.

Sec. 122. Section 3, chapter 176, Laws of 1953 as last amended by section 66, chapter 56, Laws of 1970 ex. sess. and RCW 52.16.061 are each amended to read as follows:

(1) The board of fire commissioners of the district shall have authority to contract indebtedness and to refund same for any general district purpose, including expenses of maintenance, operation and administration, and the acquisition of firefighting facilities, and evidence the same by the issuance and sale at par plus accrued interest of ~~((coupon warrants))~~ general obligation bonds of the district in such denominations, in such form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act, and payable at such time or times not longer than six years from the issuing date of ~~((said coupon warrants))~~ the bonds; said date to be specified thereon, as the board shall determine and provide. Such ~~((coupon warrants shall be payable to bearer, shall have interest coupons attached providing for the payment of))~~ bonds shall pay interest at such rate or rates as authorized by the board, payable semiannually on the first day of January and of July following in each year: PROVIDED, That at the option of district board the aggregate amount of ~~((coupon warrants))~~ bonds may include a sum sufficient to pay the annual interest thereon for a period not exceeding one year from the issuing date of the ~~((coupon warrants))~~ bonds and in that event such interest shall be taken from the proceeds of the sale of the ~~((coupon warrants))~~ bonds and immediately placed in the ~~((coupon warrant))~~ general obligation fund of the district, for the payment of the interest ~~((coupons maturing))~~ payments becoming due during the first year of the ~~((coupon warrants. The issuance of the coupon warrants, prior to delivery~~

~~thereof to the purchaser, shall be recorded in the office of the county treasurer in a book kept for that purpose. Said coupon warrants when issued shall constitute general obligations of the district. All outstanding district warrants of every kind shall outlaw and become void after six years, from the maturity date thereof where money shall be available in the proper fund of the district within that time for their payment))~~ bonds. Such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 123. Section 39, chapter 34, Laws of 1939 as last amended by section 1, chapter 130, Laws of 1975 1st ex. sess. and RCW 52.16.070 are each amended to read as follows:

Except as authorized by virtue of the issuance and sale of ~~((district coupon warrants and))~~ general obligation bonds, and the creation of local improvements districts and the issuance of local improvement bonds and warrants of the fire protection district, the board of fire commissioners shall have no authority to incur expenses or other financial obligations payable in any year in excess of the aggregate amount of taxes levied for that year, revenues derived from contracts, leases and fire protection services rendered to any other municipal corporation, person, firm or corporation, or state agency, grants, bequests, gifts or donations whether received from governmental or nongovernmental sources, and the cash balances on hand in the expense and reserve funds of the district on the first day of that year. In the event that there are any unpaid warrants drawn on any district fund or funds for expenses and obligations incurred outstanding at the end of any calendar year, the same may be paid from taxes collected in the subsequent year or years, revenues, grants, bequests, gifts or donations.

Sec. 124. Section 5, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 67, chapter 56, Laws of 1970 ex. sess. and RCW 52.16.100 are each amended to read as follows:

(i) Bonds issued pursuant to RCW 52.16.080 and 52.16.090 shall be serial in form and maturity and numbered from one up consecutively. They shall bear interest at a rate or rates as authorized by the board of fire commissioners, payable semiannually from date of said bonds until the principal thereof is paid ~~((with interest coupons evidencing such interest to be attached thereto))~~. The first annual maturity shall be two years from the date of issue of ~~((said))~~ such bonds and the various annual maturities shall be as nearly as practicable in such amounts as will, together with the interest on all outstanding bonds, be met by equal annual tax levies for the payment of the principal and interest of said bonds. Bonds issued under ~~((this act))~~ RCW 52.16.080 and 52.16.090 may not run for more than twenty years from the date of issue and except for bond No. 1, may only be in multiples of one hundred dollars. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 125. Section 6, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.110 are each amended to read as follows:

(1) Such bonds shall be signed by the chairman of the board of fire commissioners and attested by the secretary of said board under the seal of the district and ~~((the))~~ any interest coupons to be attached thereto shall be signed with the facsimile signatures of said officials. Said bonds shall be sold in such manner as the board of fire commissioners shall deem to be for the best interest of the district and at a price not less than par.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 126. Section 8, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 52, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.130 are each amended to read as follows:

To carry out the purposes for which fire protection districts are created, the board of fire commissioners of any such district is hereby authorized to levy each year, in addition to the levy or levies provided in ~~((this act))~~ RCW 52.16.120 for the payment of the principal and interest of any outstanding general obligation bonds ~~((and the levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding))~~, an ad valorem tax on all taxable property located in such district not to exceed fifty cents per thousand dollars of assessed value: PROVIDED, That in no case may the total general levy for all purposes, except the levy for the retirement of general obligation bonds, exceed one dollar per thousand dollars of assessed value. Levies in excess of one dollar per thousand dollars of assessed value or in excess of aggregate dollar rate limitations or both may be made for any district purpose when so authorized at a special election under the provisions of RCW 84.52.052. Any such tax when so levied shall be certified to the proper county officials for the collection of the same as for other general taxes. Such taxes when collected shall be placed in the appropriate district fund or funds as provided by law, and shall be paid out on warrants of the auditor of the county in which the district is situated, upon authorization of the board of fire commissioners of such district.

Sec. 127. Section 9, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 53, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.140 are each amended to read as follows:

Notwithstanding the limitation of dollar rates contained in RCW 52.16.130, the board of fire commissioners of any such district is hereby authorized to levy, in addition to any levy for the payment of the principal and

interest of any outstanding general obligation bonds (~~((and levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding))~~), an ad valorem tax on all property located in such district of not to exceed fifty cents per thousand dollars of assessed value when such levy will not take dollar rates which other taxing districts may lawfully claim and which will not cause the combined levies to exceed the constitutional and/or statutory limitations, and such additional levy, or any portion thereof, may also be made when dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies.

Sec. 128. Section 9, chapter 53, Laws of 1961 as last amended by section 54, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.160 are each amended to read as follows:

Notwithstanding the limitation of dollar rates contained in RCW 52.16.130, and in addition to any levy for the payment of the principal and interest of any outstanding general obligation bonds (~~((and levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding))~~) and in addition to any levy authorized by RCW 52.16.130, 52.16.140 or any other statute, if in any county where there are one or more townships in existence making annual tax levies and such township or townships are disorganized as a result of a county-wide disorganization procedure prescribed by statute and is no longer making any tax levy, or any township or townships for any other reason no longer makes any tax levy, the board of fire commissioners of any fire protection district within such county is hereby authorized to levy each year an ad valorem tax on all taxable property within such district of not to exceed fifty cents per thousand dollars of assessed value, which levy may be made only if it will not cause the combined levies to exceed the constitutional and/or statutory limitations.

Sec. 129. Section 45, chapter 34, Laws of 1939 as last amended by section 68, chapter 56, Laws of 1970 ex. sess. and RCW 52.20.060 are each amended to read as follows:

(1) Said district board shall also have authority, if in accordance with the adopted means of financing said local improvement district, to issue and sell at par and accrued interest coupon or registered warrants payable within three years from the date thereof exclusively from the local improvement fund of the district. Such coupon or registered warrants shall (~~((be payable with))~~) bear semiannual interest (~~((to bearer))~~) and shall be in such form as the board shall determine and shall state on their face that they are payable exclusively from the local improvement fund of the district (~~((and shall be registered in the county treasurer's office, as provided herein for the registry of general coupon warrants of the district))~~). Interest (~~((coupons thereon))~~) shall be payable on the first day of January and of July. Such warrants may be registered as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 130. Section 1, chapter 255, Laws of 1947 and RCW 52.34.010 are each amended to read as follows:

The board of fire commissioners of any fire protection district now existing or which may hereafter be organized under the laws of the state of Washington may commence a special proceeding in the superior court of the state of Washington in and by which the proceedings for the organization of the fire district or for the formation of any local improvement district therein, or proceedings for the authorization, issuance and sale of coupon or registered warrants or general obligation bonds issued pursuant to RCW 52.16.061, either of the fire district or for a local improvement district therein, or both, whether such bonds or coupon or registered warrants, or any of them, have or have not been sold, or proceedings for any contract of the district involving the fire district or any local improvement district therein and any other proceedings which may affect the legality of the proceedings concerned or any or all of the proceedings above outlined, may be judicially examined, approved and confirmed.

Sec. 131. Section 6, chapter 255, Laws of 1947 and RCW 52.34.060 are each amended to read as follows:

Upon the hearing of such special proceedings, the court shall have power and jurisdiction to examine and determine the legality and validity of, and to approve and confirm, each and all of the proceedings for the organization of the fire protection district and for the formation of any local improvement district therein under the provisions of the law relating to such districts from and including the petition for the organization of the fire district and for the formation of any local improvement district therein and all other proceedings which affect the legality of said districts, or the validity and legality of any coupon or registered warrants or bonds either of the fire district or for a local improvement district therein and all proceedings had by the fire district for any contract of the district involving the fire district or any local improvement district therein, and any other proceeding which may affect the legality of any of the proceedings concerned.

Sec. 132. Section 6, chapter 65, Laws of 1955 and RCW 53.08.050 are each amended to read as follows:

(1) A district may establish local improvement districts within the district, and levy special assessments, in annual installments extending over a period not exceeding ten years on all property specially benefited by the local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of the local improvement, and issue local improvement bonds to be paid from local improvement assessments. The levy and collection of such assessments and issuance of such bonds shall be as provided for



the levy and collection of local improvement assessments and the issuance of local improvement bonds by cities (~~(of the first class)~~) and towns, insofar as consistent with this title: **PROVIDED**, That the duties of the treasurers of such cities and towns in connection therewith shall be performed by the county treasurer. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 133. Section 3, chapter 236, Laws of 1959 as last amended by section 69, chapter 56, Laws of 1970 ex. sess. and RCW 53.34.030 are each amended to read as follows:

Whenever any port district shall determine to acquire or construct any one or more projects authorized under the provisions of this chapter, the commission of such district shall have the power and is authorized to issue negotiable revenue bonds and notes from time to time in one or more series or installments in such principal amount as, in the opinion of the commission, shall be necessary to provide sufficient money for the acquisition, construction, reconstruction, extension or improvement thereof as set forth in RCW 53.34.010, including engineering, inspection, legal and financial fees and costs, working capital, interest on such bonds and notes during construction and for a reasonable period thereafter, establishment of reserves to secure such bonds and notes and all other expenditures of such district incidental, necessary or convenient to the establishment of such projects on a sound financial basis, and to issue negotiable revenue bonds and notes for the purpose of renewing or refunding such outstanding bonds and notes in whole or in part at or prior to maturity. All such revenue bonds or notes (~~(and coupons thereto attached)~~) shall be negotiable instruments within the meaning and purposes of the negotiable instruments law and shall be sold by the commission in such manner and for such price as the commission deems for the best interests of the district: **PROVIDED**, That the bonds and warrants may be in any form, including bearer bonds or bearer notes, or registered bonds or registered notes as provided in section 3 of this 1983 act. The commission may provide in any contract for the construction or acquisition of all or any part of a project or projects or for the additions or betterments thereto or extensions or improvements thereof that payment therefor shall be made only in such revenue bonds or notes (~~(=PROVIDED FURTHER, That)~~). Any revenue bonds issued under the authority of this act shall have a final maturity not to exceed forty years from date of issue.

Sec. 134. Section 4, chapter 236, Laws of 1959 as last amended by section 70, chapter 56, Laws of 1970 ex. sess. and RCW 53.34.040 are each amended to read as follows:

(1) Revenue bonds and notes may be issued by one or more resolutions and may be secured by trust agreement by and between the district and one

or more corporate trustees, depositories, or fiscal agents, which may be any trust company or state or national bank having powers of a trust company within or without the state of Washington. Such bonds or notes shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denominations, be in such form either coupon or registered as provided in section 3 of this 1983 act, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places within or without the state of Washington, and be subject to such terms of redemption and at such redemption premiums as such resolution, resolutions, or trust agreements may provide. No proceedings for the issuance of such bonds or notes shall be required other than those required by the provisions of this chapter, and none of the provisions of any other laws relative to the terms and conditions for the issuance, payment, redemption, registration, sale or delivery of bonds of public bodies, corporation, or political subdivisions of this state shall be applicable to bonds or notes issued by port districts pursuant to this chapter.

(2) Notwithstanding subsection (1) of this section, such bonds and notes may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 135. Section 5, chapter 236, Laws of 1959 and RCW 53.34.050 are each amended to read as follows:

Any resolution, resolutions, or trust agreements authorizing the issuance of any bonds or notes of a port district may contain covenants and agreements on the part of the district to protect and safeguard the security and payment of such bonds or notes, which shall be a part of the contract with the ((holders)) owners of such obligations thereby authorized as to:

(1) Pledging all or any part of the revenues, income, receipts, profits and other moneys derived by the district issuing such obligations from the ownership, operation, management, lease, or sale of any one or more of the projects constructed from the proceeds thereof to secure the payment of bonds or notes;

(2) The establishment and collection of rates, rentals, tolls, charges, license, and other fees to be charged by the district and the amounts to be raised in each year for the services and commodities sold, leased, furnished, or supplied by any one or more of the projects established from the proceeds of such obligations, and the deposit, use, and disposition of the revenues of the district received therefrom;

(3) The setting aside of reserves or sinking funds for such obligations, and the deposit, investment, and disposition thereof;

(4) Limitations on the purpose or purposes to which the proceeds of sale of any issue of bonds or notes then or thereafter issued payable from the revenues of any such project or projects may be applied, and pledging such proceeds to secure the payment of such bonds or notes;

(5) Limitations on the issuance of additional revenue bonds or notes of the district, the terms and conditions upon which such additional revenue bonds or notes may be issued and secured, and the refunding of outstanding or other bonds or notes;

(6) The procedure, if any, by which the terms of any contract with ~~((bondholders))~~ bond owners may be amended or abrogated, the amount of bonds or notes the ~~((holders))~~ owners of which must consent thereto, and the manner in which such consent may be given;

(7) Limitations on the amount of moneys derived from any project or projects to be expended for operating, administrative or other expenses of the district in connection with any such project or projects;

(8) The employment of independent auditors and engineers or other technical consultants to advise and assist the district in the operation, management, and improvement of any project or projects;

(9) Limitations or prohibitions on rendering free service in connection with any project or projects;

(10) Specifying conditions constituting events of default and vesting in one or more trustees including trustees which may be appointed by the ~~((bondholders and noteholders))~~ bond owners and note owners, such special rights, property rights, powers, and duties with respect to the property and revenues of any project or projects as the commission of the district may deem advisable the better to secure the payment of such bonds and notes;

(11) Prescribing conditions controlling the acquisition, sale, lease, or other disposition of real and personal property used or useful in connection with any project or projects, the amount and kinds of policies of insurance to be carried by the district in connection therewith, and the use and disposition of the proceeds of policies of insurance; and

(12) Any other matters of like or different character which in any way affect the security or protection of bonds or notes of the district.

Sec. 136. Section 12, chapter 92, Laws of 1911 as amended by section 2, chapter 179, Laws of 1921 and RCW 53.36.040 are each amended to read as follows:

(1) Any port commission is hereby authorized, prior to the receipt of taxes raised by levy, to borrow money or issue the warrants of the district in anticipation of the revenues to be derived by such district and such warrants shall be redeemed from the first money available from such taxes when collected. Such warrants may be in any form, including bearer warrants or registered warrants as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 137. Section 4, chapter 59, Laws of 1957 as last amended by section 73, chapter 56, Laws of 1970 ex. sess. and RCW 53.40.030 are each amended to read as follows:

(1) The port commission shall determine the form, conditions, and denominations of all such bonds, the maturity date or dates which the bonds so sold shall bear, and the interest rate or rates thereon. It shall not be necessary that all bonds of the same authorized issue bear the same interest rate or rates. Principal and interest of the bonds shall be payable at such place or places as may be fixed and determined by the port commission. The bonds may contain provisions for registration thereof as to principal only or as to both principal and interest as provided in section 3 of this 1983 act. The bonds shall (~~be issued in coupon form with~~) have interest payable at such time or times as may be determined by the port commission and in such amounts as it may prescribe. The port commission may provide for retirement of bonds issued under this chapter at any time or times prior to their maturity, and in such manner and upon the payment of such premiums as may be fixed and determined by resolution of the port commission.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 138. Section 4, chapter 122, Laws of 1949 as last amended by section 4, chapter 183, Laws of 1959 and RCW 53.40.040 are each amended to read as follows:

Bonds issued under the provisions of this chapter shall be payable solely out of operating revenues of the port district. Such bonds shall be authorized by resolution adopted by the port commission, which resolution shall create a special fund or funds into which the port commission may obligate and bind the port district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the gross revenue of the port district for the purpose of paying the principal of and interest on such bonds as the same shall become due, and if deemed necessary to maintain adequate reserves therefor. Such fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds issued pursuant to this chapter.

The bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, even though they shall be payable solely from such special fund or funds, and the tax revenue of the port district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. The bonds and (~~the~~) any coupons attached thereto shall state upon their face that they are payable solely from such special fund or funds. If the port commission fails to set aside and pay into such fund or funds the payments provided for in such resolution, the (~~holder~~) owner of any such bonds may bring suit to compel compliance with the provisions of the resolution.

Sec. 139. Section 9, chapter 122, Laws of 1949 as last amended by section 74, chapter 56, Laws of 1970 ex. sess. and RCW 53.40.110 are each amended to read as follows:

(1) The bonds issued pursuant to the provisions of this chapter shall bear interest at such rate or rates as authorized by the port commission; shall be signed on behalf of the port district by the president of the port commission and shall be attested by the secretary of the port commission, one of which signatures may be a facsimile signature, and shall have the seal of the port district impressed thereon; ~~((each of the))~~ any interest coupons attached thereto shall be signed by the facsimile signatures of said officials. Such bonds shall be sold in the manner and at such price as the port commission shall deem best, either at public or private sale.

The port commission may provide such covenants as it may deem necessary to secure the payment of the principal of and interest on such bonds and may but shall not be required to include covenants to create a reserve fund or account and to authorize the payment or deposit of certain moneys therein for the purpose of securing the payment of such principal and interest; to establish, maintain, and collect tariffs, rates, charges, fees, rentals, and sales prices on facilities and services the income of which is pledged for the payment of such bonds, sufficient to pay or secure the payment of such principal and interest and to maintain an adequate coverage over annual debt service; and to make any and all other covenants not inconsistent with the provisions of this chapter which will increase the marketability of such bonds. The port commission may also provide that revenue bonds payable out of the same source or sources may later be issued on a parity with any revenue bonds being issued and sold. The provisions of this chapter and any resolution or resolutions providing for the authorization, issuance, and sale of such bonds shall constitute a contract with the ~~((holders))~~ owners of such bonds, and the provisions thereof shall be enforceable by any owner ~~((or holder))~~ of such bonds by mandamus or any appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 140. Section 8, chapter 122, Laws of 1949 as last amended by section 75, chapter 56, Laws of 1970 ex. sess. and RCW 53.40.130 are each amended to read as follows:

(1) The port commission of any port district may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue warrants, bonds, and any premiums and interest due thereon ~~((and matured coupons evidencing interest upon any such bonds))~~ at or before the maturity of such warrants or bonds, and may combine various outstanding revenue warrants and parts or all of various series and issues of outstanding revenue bonds and any matured coupons in the amount thereof to be funded or refunded.

The port commission shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue

bonds, into which fund the commission shall obligate and bind the port district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the gross revenue of the port district sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, and the tax revenue of the port district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

The port district may exchange such funding or refunding bonds for the warrants, bonds, and any coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner, at such rate or rates of interest and at such price as the port commission shall deem to be for the best interest of the district and its inhabitants, either at public or private sale.

The provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 141. Section 3, chapter 7, Laws of 1941 and RCW 53.43.030 are each amended to read as follows:

(1) Such funding or refunding bonds shall be the general obligation bonds of the district issuing the same, payable out of and from annual taxes upon all the taxable property within the port district levied and collected as are other port district taxes. Such bonds shall run for a period of not exceeding twenty years from date thereof, and shall mature and be payable on the amortization plan prescribed by RCW 39.44.010: PROVIDED, HOWEVER, That any such bonds may be issued to mature commencing at the end of the first year after date thereof, and the foregoing amortization plan may be departed from when, in view of other taxation and financial burdens of any such port district, it shall be to the advantage of the port district and of the owners of the property therein, in the judgment of the board of commissioners thereof, to depart from such amortization plan; and said bonds or any part thereof maturing on or after ten years from date thereof may be made redeemable on any interest payment date prior to their dates of fixed maturity, at the option of the port district, upon such prior notice thereof as shall be determined by resolution of said board and as expressed upon the face of the bonds thus subjected to the right of prior redemption. The board of commissioners shall have the right to apply to the payment of said bonds

and to the prior redemption thereof any other moneys or funds belonging to said port district which are legally available for such purpose.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act): PROVIDED, That the issuance of such bonds shall be subject to RCW 53.43.040(2).

Sec. 142. Section 4, chapter 7, Laws of 1941 as amended by section 17, chapter 156, Laws of 1981 and RCW 53.43.040 are each amended to read as follows:

(1) Such funding or refunding bonds shall bear interest at a rate or rates fixed by the board after the sale of said bonds, or, in the event of the issuance thereof by exchange, prior to such exchange; and the form of said bonds ((and interest coupons which shall be attached thereto)), which may be bearer or registered as provided in section 3 of this 1983 act, their execution, and said bonds in all other respects, shall be as permitted by law and as provided by resolution of said board. Funding or refunding bonds may be issued by way of sale, or by exchange of such funding or refunding bonds for the warrants, bonds, or other instruments evidencing the indebtedness thus to be funded or refunded(~~(-PROVIDED, That)~~).

(2) Such funding or refunding bonds ((thus)) issued after sale ((thereof)) of such bonds, or by exchange thereof, shall not exceed, in principal amount, the principal and interest of the indebtedness thereby funded or refunded, and the funding or refunding bonds shall bear a lower rate of interest than the rate of interest borne by the indebtedness funded or refunded thereby.

(3) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 143. Section 2, chapter 239, Laws of 1947 as last amended by section 76, chapter 56, Laws of 1970 ex. sess. and RCW 53.44.020 are each amended to read as follows:

(1) Such funding or refunding bonds shall bear interest as fixed by the board after the sale of the bonds, or, in the event of the issuance thereof by exchange, prior to such exchange; and the form of the bonds ((and interest coupons which shall be attached thereto)), which may be bearer or registered as provided in section 3 of this 1983 act, their execution, and the bonds in all other respects, shall be as permitted by law and as provided by resolution of the board.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 144. Section 8, chapter 390, Laws of 1955 as amended by section 1, chapter 218, Laws of 1959 and RCW 54.16.070 are each amended to read as follows:

(1) A district may contract indebtedness or borrow money for any corporate purpose on its credit or on the revenues of its public utilities, and to evidence such indebtedness may issue general obligation bonds or revenue obligations, the general obligation bonds not to be sold for less than par and accrued interest; may issue and sell local utility district bonds of districts created by the commission, and may purchase with surplus funds such local utility district bonds, and may create a guaranty fund to insure prompt payment of all local utility district bonds.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 145. Section 14, chapter 390, Laws of 1955 and RCW 54.16.130 are each amended to read as follows:

The commission shall by resolution establish the method of procedure in all matters relating to local utility districts. A public utility district may determine by resolution what work shall be done or improvements made at the expense, in whole or in part, of the property specially benefited thereby; and adopt and provide the manner, machinery and proceedings in any way relating to the making and collecting of assessments therefor in pursuance thereof. Except as herein otherwise provided or as may hereafter be set forth by resolution, all matters and proceedings relating to the local utility district, the levying and collection of assessments, the issuance and redemption of local improvement warrants and bonds, and the enforcement of local assessment liens hereunder, shall be governed, as nearly as may be, by the laws relating to local improvements for cities ~~((of the first class))~~ and towns: PROVIDED, That no protest against a local utility district improvement shall be received after twelve o'clock noon of the day set for hearing. Such bonds and warrants may be in any form, including bearer bonds or bearer warrants, or registered warrants or registered bonds as provided in section 3 of this 1983 act. Such bonds and warrants may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

The commission may determine to finance the project by bonds or warrants secured by assessments against the property within the local utility district: Or it may finance the project by revenue bonds, in which case no bonds or warrants shall be issued by the local utility district, but assessments shall be levied upon the taxable property therein on the basis of special benefits up to, but not exceeding the total cost of the improvement and in such cases the entire principal and interest of such assessments shall be paid into a revenue bond fund of the district; to be used for the sole purpose of the payment of revenue bonds.



Sec. 146. Section 1, chapter 12, Laws of 1971 and RCW 54.24.018 are each amended to read as follows:

(1) Whenever the commission shall deem it advisable that the public utility district purchase, purchase and condemn, acquire, or construct any such public utility, or make any additions or betterments thereto, or extensions thereof, the commission shall provide therefor by resolution, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and specify whether general or utility indebtedness is to be incurred, the amount of such indebtedness, the amount of interest and the time in which all general bonds (if any) shall be paid, not to exceed thirty years. In the event the proposed general indebtedness to be incurred will bring the indebtedness of the public utility district to an amount exceeding three-fourths of one percent of the value of the taxable property of the public utility district, as the term "value of the taxable property" is defined in RCW 39.36.015, the proposition of incurring such indebtedness and the proposed plan or system shall be submitted to the qualified electors of said public utility district for their assent at the next general election held in such public utility district.

Whenever the commission (or a majority of the qualified voters of such public utility district, voting at said election, when it is necessary to submit the same to said voters) shall have adopted a system or plan for any such public utility, as aforesaid, and shall have authorized indebtedness therefor by a three-fifths vote of the qualified voters of such district, voting at said election, general or public utility bonds may be used as hereinafter provided. Said general bonds shall be serial in form and maturity and numbered from one upwards consecutively. The various annual maturities shall commence not later than the tenth year after the date of issue of such bonds. The general bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. The resolution authorizing the issuance of the bonds shall fix the rate or rates of interest the bonds shall bear and the place and date of the payment of both principal and interest. The bonds shall be signed by the president of the commission, attested by the secretary of the commission, and the seal of the public utility district shall be affixed to each bond but not to ~~((the))~~ any coupons; PROVIDED, HOWEVER, That ~~((said))~~ any coupons, in lieu of being so signed, may have printed thereon ~~((a))~~ facsimiles of the signature of such officers. The principal and interest of such general bonds shall be paid from the revenue of such public utility district after deducting costs of maintenance, operation, and expenses of the public utility district, and any deficit in the payment of principal and interest of said general bonds shall be paid by levying each year a tax upon the taxable property within said district sufficient to pay said interest and principal of said bonds, which tax shall be due and collectible as any other tax. Said bonds shall be sold in such manner as the commission shall deem for the best interest of the district.

(2) All bonds and warrants issued under the authority of this ~~((act))~~ chapter shall be legal securities, which may be used by any bank or trust company for deposit with the state treasurer, or any county or city treasurer, as security for deposits, in lieu of a surety bond, under any law relating to deposits of public moneys.

(3) When the commission shall not desire to incur a general indebtedness in the purchase, condemnation and purchase, acquisition, or construction of any such public utility, or addition or betterment thereto, or extension thereof, it shall have the power to create a special fund or funds for the sole purpose of defraying the cost of such public utility, or addition or betterment thereto, or extension thereof, into which special fund or funds it may obligate and bind the district to set aside and pay a fixed proportion of the gross revenues of such public utility, or any fixed amount out of, and not exceeding a fixed proportion of, such revenues, or a fixed amount without regard to any fixed proportion, and to issue and sell revenue bonds or warrants bearing interest at such rate or rates, payable semiannually, executed in such manner, and payable at such times and places as the commission shall determine, but such bonds or warrants and the interest thereon, shall be payable only out of such special fund or funds. In creating any such special fund or funds, the commission shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenues previously pledged as a fund for the payment of bonds or warrants, and shall not set aside into such special fund or funds a greater amount or proportion of the revenues and proceeds than, in its judgment, will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenues so previously pledged. Any such bonds or warrants, and interest thereon, issued against any such fund, as herein provided, shall be a valid claim of the ~~((holder))~~ owner thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state on its face that it is payable from a special fund, naming such fund and the resolution creating it. Said bonds and warrants shall be sold in such manner as the commission shall deem for the best interests of the district~~((, and))~~. The commission may provide in any contract for the construction and acquisition of a proposed improvement or utility that payment therefor shall be made only in such bonds or warrants at the par value thereof. In all other respects, the issuance of such utility bonds or warrants and payment therefor shall be governed by the public utility laws for cities and towns. The revenue or utility bonds or warrants may be in any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in section 3 of this 1983 act.

(4) Notwithstanding subsections (1) through (3) of this section, any of such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 147. Section 2, chapter 182, Laws of 1941 as amended by section 4, chapter 218, Laws of 1959 and RCW 54.24.030 are each amended to read as follows:

(1) Whenever the commission shall deem it advisable to issue revenue obligations for the purpose of defraying the cost or part of the cost of such public utility or any additions or betterments thereto or extensions thereof, it shall have power as a part of such plan and system to create a special fund or funds for the purpose of defraying the cost of such public utility, or additions or betterments thereto or extensions thereof, into which special fund or funds it may obligate and bind the district to set aside and pay a fixed proportion of the gross revenues of such public utility, and all additions or betterments thereto or extensions thereof, or any fixed amount out of, and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, or an amount of such revenues equal to a fixed percentage of the aggregate principal amount of revenue obligations at any time issued against the special fund or funds, and to issue and sell revenue obligations payable as to both principal and interest only out of such fund or funds.

Such revenue obligations shall bear such date or dates, mature at such time or times, be in such denominations, be in such form, either coupon or registered, as provided in section 3 of this 1983 act, or both, carry such registration privileges, be made transferable, exchangeable, and interchangeable, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption as the commission shall by resolution determine.

Any resolution or resolutions authorizing the issuance of any revenue obligations maturing in not exceeding six years from the date thereof (hereinafter in this section referred to as "short term obligations") may contain, in addition to all other provisions authorized by this title, and as an alternate method for the payment thereof, provisions which shall be a part of the contract with the holders of the short term obligations thereby authorized as to:

~~((+))~~ (a) Refunding the short term obligations at or prior to maturity and, if so provided, outstanding bonds by the issuance of revenue bonds of the district either by the sale of bonds and application of the proceeds to the payment of the short term obligations and outstanding bonds or by the exchange of bonds for the short term obligations;

~~((+))~~ (b) Satisfying, paying, or discharging the short term obligations at the election of the district by the tender or delivery of revenue bonds of the district in exchange therefor: PROVIDED, That the aggregate principal amount of bonds shall not exceed by more than five percent the aggregate

principal amount of the short term obligations, to satisfy, pay, or discharge said short term obligations for which the bonds are tendered or delivered;

~~((3))~~ (c) Exchanging or converting the short term obligations at the election of the ~~((holder))~~ owner thereof for or into the bonds of the district: PROVIDED, That the aggregate principal amount of the bonds shall not exceed by more than five percent the aggregate principal amount of the short term obligations to be exchanged for or converted into bonds;

~~((4))~~ (d) Pledging bonds of the district as collateral to secure payment of the short term obligations and providing for the terms and conditions of the pledge and the manner of enforcing the pledge, which terms and conditions may provide for the delivery of the bonds in satisfaction of the short term obligations: PROVIDED, That the aggregate principal amount of the bonds pledged shall not exceed by more than five percent the aggregate principal amount of the short term obligations to secure said short term obligations for which they are pledged;

~~((5))~~ (e) Depositing bonds in escrow or in trust with a trustee or fiscal agent or otherwise providing for the issuance and disposition of the bonds as security for carrying out any of the provisions in any resolution adopted pursuant to this section and providing for the powers and duties of the trustee, fiscal agent, or other depository and the terms and conditions upon which the bonds are to be issued, held and disposed of;

~~((6))~~ (f) Any other matters of like or different character which relate to any provision or provisions of any resolution adopted pursuant to this section.

A district shall have power to make contracts for the future sale from time to time of revenue obligations by which the purchasers shall be committed to purchase such revenue obligations from time to time on the terms and conditions stated in such contract; and a district shall have power to pay such consideration as it shall deem proper for such commitments.

(2) Notwithstanding subsection (1) of this section, such revenue obligations may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 148. Section 5, chapter 182, Laws of 1941 as amended by section 5, chapter 218, Laws of 1959 and RCW 54.24.040 are each amended to read as follows:

In creating any special fund for the payment of revenue obligations, the commission shall have due regard to the cost of operation and maintenance of the plant or system constructed or added to, and to any proportion or amount of the revenues previously pledged as a fund for the payment of revenue obligations, and shall not set aside into such special fund or funds a greater amount or proportion of the revenues and proceeds than in its judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenues so previously pledged. Any such revenue obligations and interest thereon issued against

any such fund as herein provided shall be a valid claim of the ((holder)) owner thereof only as against such special fund and the proportion or amount of the revenues pledged to such fund, but shall constitute a prior charge over all other charges or claims whatsoever, including the charge or lien of any general obligation bonds against such fund and the proportion or amount of the revenues pledged thereto. Such revenue obligations shall not constitute an indebtedness of such district within the meaning of the constitutional provisions and limitations. Each revenue obligation shall state on its face that it is payable from a special fund, naming such fund and the resolution creating it, or shall describe such alternate method for the payment thereof as shall be provided by the resolution authorizing same.

It is the intention hereof that any pledge of the revenues or other moneys or obligations made by a district shall be valid and binding from the time that the pledge is made; that the revenues or other moneys or obligations so pledged and thereafter received by a district shall immediately be subject to the lien of such pledge without any physical delivery or further act, and that the lien of any such pledge shall be valid and binding as against any parties having claims of any kind in tort, contract, or otherwise against a district irrespective of whether such parties have notice thereof. Neither the resolution or other instrument by which a pledge is created need be recorded.

Sec. 149. Section 3, chapter 182, Laws of 1941 as last amended by section 6, chapter 218, Laws of 1959 and RCW 54.24.050 are each amended to read as follows:

Any resolution creating any such special fund or authorizing the issue of revenue obligations payable therefrom, or by such alternate method of payment as may be provided therein, shall specify the title of such revenue obligations as determined by the commission and may contain covenants by the district to protect and safeguard the security and the rights of the ((holders)) owners thereof, including covenants as to, among other things:

(1) The purpose or purposes to which the proceeds of sale of such obligations may be applied and the use and disposition thereof;

(2) The use and disposition of the gross revenues of the public utility, and any additions or betterments thereto or extensions thereof, the cost of which is to be defrayed with such proceeds, including the creation and maintenance of funds for working capital to be used in the operation of the public utility and for renewals and replacements to the public utility;

(3) The amount, if any, of additional revenue obligations payable from such fund which may be issued and the terms and conditions on which such additional revenue obligations may be issued;

(4) The establishment and maintenance of adequate rates and charges for electric energy, water, and other services, facilities, and commodities sold, furnished, or supplied by the public utility;

(5) The operation, maintenance, management, accounting, and auditing of the public utility;

(6) The terms and prices upon which such revenue obligations or any of them may be redeemed at the election of the district;

(7) Limitations upon the right to dispose of such public utility or any part thereof without providing for the payment of the outstanding revenue obligations; and

(8) The appointment of trustees, depositaries, and paying agents to receive, hold, disburse, invest, and reinvest all or any part of the income, revenues, receipts, and profits derived by the district from the operation, ownership, and management of its public utility.

Sec. 150. Section 4, chapter 182, Laws of 1941 as last amended by section 78, chapter 56, Laws of 1970 ex. sess. and RCW 54.24.060 are each amended to read as follows:

(1) Such utility revenue obligations shall be sold and delivered in such manner, at such rate or rates of interest and for such price or prices and at such time or times as the commission shall deem for the best interests of the district. The commission may, if it deem it to the best interest of the district, provide in any contract for the construction or acquisition of the public utility, or the additions or betterments thereto or extensions thereof, that payment therefor shall be made only in such revenue obligations at the par value thereof.

(2) Notwithstanding subsection (1) of this section, such obligations may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 151. Section 9, chapter 182, Laws of 1941 as last amended by section 2, chapter 37, Laws of 1981 and RCW 54.24.100 are each amended to read as follows:

(1) All revenue obligations, including funding and refunding revenue obligations, shall be executed in such manner as the commission may determine: PROVIDED, That warrants may be signed as provided in RCW 54.24.010. ((The)) Any interest coupons attached to any revenue obligations may be executed with facsimile or lithographed signatures, or otherwise, as the commission may determine.

(2) Notwithstanding subsection (1) of this section, such obligations may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 152. Section 1, chapter 150, Laws of 1957 and RCW 54.24.200 are each amended to read as follows:

Every public utility district in the state is hereby authorized, by resolution, to create a fund for the purpose of guaranteeing, to the extent of such fund, and in the manner hereinafter provided, the payment of such of its local improvement bonds and/or warrants as the commission may determine

issued to pay for any local improvement within any local utility district established within the boundaries of the public utility district. Such fund shall be designated "local improvement guaranty fund, public utility district No. . . . .". For the purpose of maintaining such fund the public utility district shall set aside and pay into it such proportion as the commissioners may direct by resolution of the monthly gross revenues of its public utilities for which local improvement bonds and/or warrants have been issued and guaranteed by said fund: PROVIDED, HOWEVER, That any obligation to make payments into said fund as herein provided shall be junior to any pledge of said gross revenues for the payment of any outstanding or future general obligation bonds or revenue bonds of the district. The proportion may be varied from time to time as the commissioners deem expedient: PROVIDED, FURTHER, That under the existence of the conditions set forth in subdivisions (1) and (2), hereunder, and when consistent with the covenants of a public utility district securing its bonds, the proportion shall be as therein specified, to wit:

(1) When bonds and/or warrants of a local utility district have been guaranteed and are outstanding and the guaranty fund does not have a cash balance equal to twenty percent of all bonds and/or warrants originally guaranteed hereunder, excluding bonds and/or warrants which have been retired in full, then twenty percent of the gross monthly revenues from each public utility for which such bonds and/or warrants have been issued and are outstanding but not necessarily from users in other parts of the public utility district as a whole, shall be set aside and paid into the guaranty fund: PROVIDED, That when, under the requirements of this subdivision, the cash balance accumulates so that it is equal to twenty percent of the total original guaranteed bonds and/or warrants, exclusive of any issue of bonds and/or warrants of a local utility district which issue has been paid and/or redeemed in full, or equal to the full amount of all bonds and/or warrants guaranteed, outstanding and unpaid, which amount might be less than twenty percent of the original total guaranteed, then no further revenue need be set aside and paid into the guaranty fund so long as such condition continues;

(2) When warrants issued against the guaranty fund remain outstanding and uncalled, for lack of funds, for six months from date of issuance, or when ((coupons;)) bonds ((and/or)), warrants, or any coupons or interest payments guaranteed hereunder have been matured for six months and have not been redeemed, then twenty percent of the gross monthly revenue, or such portion thereof as the commissioners determine will be sufficient to retire the warrants or redeem the coupons, interest payments, bonds and/or warrants in the ensuing six months, derived from all the users of the public utilities for which such bonds and/or warrants have been issued and are outstanding in whole or in part, shall be set aside and paid into the guaranty fund: PROVIDED, That when under the requirements of this subdivision

all warrants, coupons, bonds and/or warrants specified in this subdivision have been redeemed and interest payments made, no further income need be set aside and paid into the guaranty fund under the requirements of this subdivision unless other warrants remain outstanding and unpaid for six months or other coupons, bonds and/or warrants default or interest payments are not made: **PROVIDED, FURTHER, HOWEVER,** That no more than a total of twenty percent of the gross monthly revenue shall be required to be set aside and paid into the guaranty fund by these subdivisions (1) and (2).

Sec. 153. Section 3, chapter 150, Laws of 1957 as amended by section 19, chapter 156, Laws of 1981 and RCW 54.24.220 are each amended to read as follows:

When a (~~coupon~~) bond (~~and/or~~), warrant, or any coupon or interest payment guaranteed (~~hereby~~) by the guaranty fund matures and there are not sufficient funds in the local utility district bond redemption fund to pay it, the county treasurer shall pay it from the local improvement guaranty fund of the public utility district; if there are not sufficient funds in the guaranty fund to pay it, it may be paid by issuance and delivery of a warrant upon the local improvement guaranty fund.

When the cash balance in the local improvement guaranty fund is insufficient for the required purposes, warrants drawing interest at a rate determined by the commission may be issued by the district auditor, against the fund to meet any liability accrued against it and shall issue them upon demand of the (~~holders~~) owners of any matured coupons, bonds, interest payments, and/or warrants guaranteed hereby, or to pay for any certificate of delinquency for delinquent installments of assessments as provided hereinafter. Guaranty fund warrants shall be a first lien in their order of issuance upon the guaranty fund.

Sec. 154. Section 6, chapter 150, Laws of 1957 and RCW 54.24.250 are each amended to read as follows:

When there is paid out of a guaranty fund any sum on the principal or interest upon local improvement bonds, and/or warrants, or on the purchase of certificates of delinquency, the public utility district, as trustee, for the fund, shall be subrogated to all rights of the (~~holder~~) owner of the bonds, and/or warrants, any interest coupons, or delinquent assessment installments so paid; and the proceeds thereof, or of the assessment underlying them, shall become a part of the guaranty fund. There shall also be paid into the guaranty fund the interest received from the bank deposits of the fund, as well as any surplus remaining in the local utility district funds guaranteed hereunder, after the payment of all outstanding bonds and/or warrants payable primarily out of such local utility district funds. As among the several issues of bonds and/or warrants guaranteed by the fund, no preference shall exist, but defaulted interest coupons and bonds and/or



warrants shall be purchased out of the fund in the order of their presentation.

The commissioners shall prescribe, by resolution, appropriate rules for the guaranty fund consistent herewith. So much of the money of a guaranty fund as is necessary and not required for other purposes hereunder may be used to purchase property at county tax foreclosure sales or from the county after foreclosure in cases where the property is subject to unpaid local improvement assessments securing bonds and/or warrants guaranteed hereunder and such purchase is deemed necessary for the purpose of protecting the guaranty fund. In such cases the funds shall be subrogated to all rights of the district. After so acquiring title to real property, the district may lease or resell and convey it in the same manner that county property may be leased or resold and for such prices and on such terms as may be determined by resolution of the commissioners. All proceeds resulting from such resales shall belong to and be paid into the guaranty fund.

Sec. 155. Section 18, chapter 210, Laws of 1941 as last amended by section 65, chapter 195, Laws of 1973 1st ex. sess. and RCW 56.16.040 are each amended to read as follows:

(1) Whenever any such sewer district shall hereafter adopt a plan for a sewer system as herein provided, or any additions and betterments thereto, or whenever any reorganized sewer district shall hereafter adopt a plan for any additions or betterments thereto, and the qualified voters of any such sewer district or reorganized sewer district shall hereafter authorize a general indebtedness for all the said plan, or any part thereof, or any additions and betterments thereto or for refunding in whole or in part bonds theretofore issued, general obligation bonds for the payment thereof may be issued as hereinafter provided.

The bonds shall be serial in form and maturity and numbered from one up consecutively. The bonds shall bear interest at such rate or rates as authorized by the board of sewer commissioners, payable semiannually from date of said bonds until principal thereof is paid (~~(with interest coupons, evidencing such interest to maturity, attached)~~). The various annual maturities shall commence with the second year after the date of issue of the bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of said bonds and interest: PROVIDED, That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars. Such bonds may be of any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

~~((Such))~~ The general obligation bonds shall never be issued to run for a longer period than thirty years from the date of the issue and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds.

The bonds shall be signed by the presiding officer of the board of sewer commissioners and shall be attested by the secretary of such board under the seal of the sewer district, and ~~((the))~~ any interest coupons shall be signed by the facsimile signature of the presiding officer of the board of sewer commissioners and shall be attested by the facsimile signature of the secretary of such board.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such sewer district.

Said bonds shall be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district, and at a price not less than par and accrued interest.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 156. Section 19, chapter 210, Laws of 1941 as last amended by section 1, chapter 25, Laws of 1975 1st ex. sess. and RCW 56.16.060 are each amended to read as follows:

(1) When sewer revenue bonds are issued for authorized purposes, said bonds shall be in bearer form or registered as to principal or interest or both, as provided in section 3 of this 1983 act, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and at such place or places one of which must be the office of the treasurer of the county in which the district is located, or of the county in which fifty-one percent or more of the area of the district is located such place or places to be determined by the board of commissioners of the district; shall bear interest at such rate or rates payable at such time or times as authorized by the board of sewer commissioners; shall be executed by the president of the board of commissioners and attested by the secretary thereof, one of which signatures may, with the written permission of the signator whose facsimile signature is being used, be a facsimile and have the seal of the district impressed thereon; and may have facsimile signatures of the president and secretary imprinted on ~~((the))~~ any interest coupons in lieu of original signatures.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 157. Section 21, chapter 210, Laws of 1941 as last amended by section 2, chapter 25, Laws of 1975 1st ex. sess. and RCW 56.16.080 are each amended to read as follows:

(1) In creating any special fund or funds the sewer commissioners of such sewer district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds, and the interest thereon, issued against any such fund as herein provided, shall be a valid claim of the ((holder)) owner thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such sewer district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner, at such prices and at such rate or rates of interest as the sewer commissioners shall deem for the best interests of the sewer district, either at public or private sale, and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be created and any such bonds shall have been heretofore or shall hereafter be issued against the same, a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund or authorizing such bonds. In case any sewer district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the ((holder)) owner of any bond payable from such special fund may bring suit or action against the sewer district and compel such setting aside and payment.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 158. Section 45, chapter 210, Laws of 1941 and RCW 56.16.130 are each amended to read as follows:

((The)) Any coupons ((~~hereinbefore mentioned~~)) for the payment of interest on bonds of any sewer district shall be considered for all purposes as warrants drawn upon the general fund of the said sewer district issuing such bonds, and when presented to the treasurer of the county having custody of

the funds of such sewer district at maturity, or thereafter, and when so presented, if there are not funds in the treasury to pay the said coupons, it shall be the duty of the county treasurer to endorse said coupons as presented for payment, in the same manner as county warrants are indorsed, and thereafter said coupons shall bear interest at the same rate as the bonds to which they were attached. When there are no funds in the treasury to make interest payments on bonds not having coupons, the overdue interest payment shall continue bearing interest at the bond rate until it is paid, unless otherwise provided in the proceedings authorizing the sale of the bonds.

Sec. 159. Section 4, chapter 58, Laws of 1974 ex. sess. as last amended by section 5, chapter 45, Laws of 1981 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 35.44 RCW. Sewer districts may also exercise all of the powers permitted to a water district under Title 57 RCW, except that a sewer district may not exercise water district powers in any area within its boundaries which is part of an existing district which previously shall have been duly authorized to exercise water district powers in such area without the consent by resolution of the board of commissioners of such district.

A sewer district shall have the power to issue general obligation bonds for water system purposes: PROVIDED, That a proposition to authorize general obligation bonds payable from excess tax levies for water system purposes pursuant to chapters 57.16 and 57.20 RCW shall be submitted to all of the qualified voters within that part of the sewer district which is not contained within another existing district duly authorized to exercise water district powers, and the taxes to pay the principal of and interest on the bonds approved by such voters shall be levied only upon all of the taxable property within such part of the sewer district. Such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 160. Section 8, chapter 18, Laws of 1959 as last amended by section 4, chapter 299, Laws of 1977 ex. sess. and RCW 57.16.030 are each amended to read as follows:

(1) The commissioners may, 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 resolution submitted.

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~~) interest payment date. The bonds may be in any form, including bearer bonds or registered bonds as provided by section 3 of this 1983 act.

When a resolution authorizing revenue bonds has been adopted the commissioners may forthwith carry out the general comprehensive plan to the extent specified.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 161. Section 9, chapter 114, Laws of 1929 as last amended by section 15, chapter 17, Laws of 1982 1st ex. sess. and RCW 57.16.050 are each amended to read as follows:

(1) A district may establish local improvement districts within its territory; levy special assessments under the mode of annual installments extending over a period not exceeding twenty years, on all property specially benefited by a local improvement, on the basis of special benefits to pay in whole or in part the damage or costs of any improvements ordered in the district; and issue local improvement bonds in the improvement district to be repaid by the collection of local improvement assessments. Such bonds may be of any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. The levying, collection and enforcement of such assessments and issuance of bonds shall be as provided for the levying, collection, and enforcement of local improvement assessments and the issuance of local improvement bonds by cities (~~(of the first class)~~) and towns insofar as consistent herewith. The duties devolving upon the city or town treasurer are hereby imposed upon the county treasurer of the county in which the real property is located for the purposes hereof. The mode of assessment shall be determined by the water commissioners by resolution. When in the petition or resolution for the establishment of a local improvement district, and in the comprehensive plan or amendment thereto or plan providing for additions and betterments to the original plan, previously adopted, it is provided that the assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue bonds, then the local improvement district shall be designated as a "utility local improvement district." No warrants or bonds shall be issued in a utility local improvement district, but the collection of interest and principal on all assessments in the utility local improvement district shall be paid into the revenue bond fund.

(2) Such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 162. Section 11, chapter 114, Laws of 1929 as last amended by section 71, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.20.010 are each amended to read as follows:

(1) When general district indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations has been authorized, the district may issue its general obligation bonds in payment thereof. The bonds shall be serial in form and maturity and numbered from one up consecutively and shall bear interest at such rate or rates as authorized by the board of water commissioners payable semiannually(~~;~~ ~~with interest coupons attached~~). The various annual maturities shall commence with the second year after the date of the issue, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of the bonds and interest. Only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars. The bonds may be of any form, including bearer bonds and registered bonds as provided in section 3 of this 1983 act.

The bonds shall not (~~be issued to run for a longer period than~~) have terms in excess of twenty years (~~from the date of issue~~) and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issuance of the bonds. The bonds shall be signed by the president of the board and attested by the secretary, under the seal of the district. (~~The~~) Any interest coupons shall be signed by the facsimile signature of the president and attested by the facsimile signature of the secretary.

There shall be levied by the officers or governing body charged with the duty of levying taxes, an annual levy in excess of the constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual payments of principal and interest on the bonds upon all taxable property within the district.

The bonds shall be sold in such manner as the commissioners deem for the best interest of the district, and at a price not less than par and accrued interest.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 163. Section 16, chapter 251, Laws of 1953 as amended by section 72, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.20.015 are each amended to read as follows:

(1) 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 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 all of the (~~holders~~) owners thereof consent thereto.

(2) The total 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.

(3) 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 of such sale used exclusively for the purpose of paying, retiring, and canceling the bonds to be refunded and interest thereon. Such bonds may be of any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(4) The provisions of RCW 57.20.010, ((specifying)) concerning 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 section.

(5) Notwithstanding subsections (1) and (4) of this section, such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 164. Section 3, chapter 128, Laws of 1939 as last amended by section 3, chapter 25, Laws of 1975 1st ex. sess. and RCW 57.20.020 are each amended to read as follows:

(1) Whenever any issue or issues of water revenue bonds have been authorized in compliance with the provisions of RCW 57.16.010 through 57.16.040, said bonds shall be in bearer form or registered as to principal or interest or both, as provided in section 3 of this 1983 act, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear such date, and shall be payable at such time or times up to a maximum period of not to exceed thirty years as shall be determined by the board of water commissioners of the district; shall bear interest at such rate or rates payable at such time or times as authorized by the board; shall be payable at the office of the county treasurer of the county in which the water district is located and may also be payable at such other place or places as the board of water commissioners may determine; shall be executed by the president of the board of water commissioners and attested and sealed by the secretary thereof, one of which signatures may, with the written permission of the signator whose facsimile signature is being used, be a facsimile; and may have facsimile signatures of said president or secretary imprinted on ((the)) any interest coupons in lieu of original signatures.

The water district commissioners shall have power and are required to create a special fund or funds for the sole purpose of paying the interest and principal of such bonds into which special fund or funds the said water district commissioners shall obligate and bind the water district to set aside and pay a fixed proportion of the gross revenues of the water supply system or any fixed amount out of and not exceeding a fixed proportion of such

revenues, or a fixed amount or amounts without regard to any fixed proportion and such bonds and the interest thereof shall be payable only out of such special fund or funds, but shall be a lien and charge against all revenues and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses.

In creating any such special fund or funds the water district commissioners of such water district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds and interest thereon issued against any such fund as herein provided shall be a valid claim of the ~~((holder))~~ owner thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such water district within the meaning of the constitutional provisions and limitations. Each such bond ~~((or warrant))~~ shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner, at such price and at such rate or rates of interest as the water district commissioners shall deem for the best interests of the water district, either at public or private sale, and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement (and for the refunding of outstanding local improvement district obligations, if any) that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be hereafter created and any such bonds shall have been heretofore or shall hereafter be issued against the same a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount or amounts without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund or authorizing such bonds, and in case any water district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the ~~((holder))~~ owner of any bond payable from such special fund may bring suit or action against the water district and compel such setting aside and payment.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).



(3) The water district commissioners of any water district, in the event that such water revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of water supply to those receiving such service, such rates and charges to be fixed as deemed necessary by such water district commissioners, so that uniform charges will be made for the same class of customer or service.

In classifying customers served or service furnished by such water supply system, the board of water commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates shall be made on a monthly basis as may be deemed proper by such commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements and all other charges necessary for efficient and proper operation of the system.

Sec. 165. Section 2, chapter 82, Laws of 1935 as amended by section 2, chapter 102, Laws of 1937 and RCW 57.20.080 are each amended to read as follows:

Whenever there shall be paid out of a guaranty fund any sum on account of principal or interest upon a local improvement bond, or on account of purchase of certificates of delinquency, the water district, as trustee for the fund, shall be subrogated to all rights of the ~~((holder))~~ owner of the bonds, or any interest ~~((coupons))~~, or delinquent assessment installments, so paid; and the proceeds thereof, or of the assessment or assessments underlying the same, shall become a part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from the bank deposits of the fund, as well as any surplus remaining in the local improvement funds guaranteed ~~((under this act))~~ by the guaranty fund, after the payment of all outstanding bonds payable primarily out of such local improvement funds. As among the several issues of bonds guaranteed by the fund, no preference shall exist, but defaulted ~~((interest coupons,))~~ bonds and any defaulted interest payments shall be purchased out of the fund in the order of their presentation.

The commissioners of every water district operating under ~~((the provisions of this act))~~ RCW 57.20.030, 57.20.080, and 57.20.090 shall prescribe, by resolution, appropriate rules and regulations for the guaranty fund, not inconsistent herewith. So much of the money of a guaranty fund as is necessary and is not required for other purposes under ~~((the terms of~~

~~this act~~) RCW 57.20.030, 57.20.080, and 57.20.090 may, at the discretion of the commissioners of the water district, be used to purchase property at county tax foreclosure sales or from the county after foreclosure in cases where such property is subject to unpaid local improvement assessments securing bonds guaranteed (~~(under this act)~~) by the guaranty fund and such purchase is deemed necessary for the purpose of protecting the guaranty fund. In such cases the said fund shall be subrogated to all rights of the water district. After so acquiring title to real property, the water district may lease or resell and convey the same in the same manner that county property is authorized to be leased or resold and for such prices and on such terms as may be determined by resolution of the board of water commissioners. Any provision of law to the contrary notwithstanding, all proceeds resulting from such resales shall belong to and be paid into the guaranty fund.

Sec. 166. Section 3, chapter 82, Laws of 1935 as amended by section 3, chapter 102, Laws of 1937 and RCW 57.20.090 are each amended to read as follows:

~~(Neither the holder nor)~~ The owner of any local improvement bonds guaranteed under the provisions of ((this act)) RCW 57.20.030, 57.20.080, and 57.20.090 shall not have any claim therefor against the water district by which the same is issued, except for payment from the special assessments made for the improvement for which said local improvement bonds were issued, and except as against the local improvement guaranty fund of said water district; and the water district shall not be liable to any ((holder or)) owner of such local improvement bond for any loss to the guaranty fund occurring in the lawful operation thereof by the water district. The remedy of the ((holder or)) owner of a local improvement bond, in case of nonpayment, shall be confined to the enforcement of the assessment and to the guaranty fund. A copy of the foregoing part of this section shall be plainly written, printed or engraved on each local improvement bond guaranteed by ((this act)) RCW 57.20.030, 57.20.080, and 57.20.090. The establishment of a local improvement guaranty fund by any water district shall not be deemed at variance from any comprehensive plan heretofore adopted by such water district.

In the event any local improvement guaranty fund hereunder authorized at any time has a balance therein in cash, and the obligations guaranteed thereby have all been paid off, then such balance shall be transferred to the maintenance fund of the water district.

Sec. 167. Section 22, chapter 114, Laws of 1929 and RCW 57.20.130 are each amended to read as follows:

~~(The)~~ Any coupons ((hereinbefore mentioned)) for the payment of interest on said bonds shall be considered for all purposes as warrants drawn upon the general fund of the said water district issuing such bonds, and when presented to the treasurer of the county having custody of the funds of

such water district at maturity, or thereafter, and when so presented, if there are not funds in the treasury to pay the said coupons, it shall be the duty of the county treasurer to endorse said coupons as presented for payment, in the same manner as county warrants are indorsed, and thereafter said coupons shall bear interest at the same rate as the bond to which it was attached. When there are no funds in the treasury to make interest payments on bonds not having coupons, the overdue interest payment shall continue bearing interest at the bond rate until it is paid, unless otherwise provided in the proceedings authorizing the sale of the bonds.

Sec. 168. Section 9, chapter 236, Laws of 1967 as last amended by section 3, chapter 222, Laws of 1979 ex. sess. and RCW 67.28.160 are each amended to read as follows:

(1) To carry out the purposes of this chapter the legislative body of any municipality shall have the power to issue revenue bonds without submitting the matter to the voters of the municipality: PROVIDED, That the legislative body shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the legislative body may obligate the municipality to pay all or part of amounts collected from the special taxes provided for in RCW 67.28.180, and/or to pay such amounts of the gross revenue of all or any part of the facilities constructed, acquired, improved, added to, repaired or replaced pursuant to this chapter, as the legislative body shall determine: PROVIDED, FURTHER, That the principal of and interest on such bonds shall be payable only out of such special fund or funds, and the owners (~~and holders~~) of such bonds shall have a lien and charge against the gross revenue pledged to such fund.

Such revenue bonds and the interest thereon issued against such fund or funds shall constitute a claim of the (~~holders~~) owners thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the municipality.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest as provided in section 3 of this 1983 act, or may be bearer bonds; shall be in such denominations as the legislative body shall deem proper; shall be payable at such time or times and at such places as shall be determined by the legislative body; shall be executed in such manner and bear interest at such rate or rates as shall be determined by the legislative body.

Such revenue bonds shall be sold in such manner as the legislative body shall deem to be for the best interests of the municipality, either at public or private sale.

The legislative body may at the time of the issuance of such revenue bonds make such covenants with the ~~((purchasers and holders))~~ owners of said bonds as it may deem necessary to secure and guaranty the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guaranty the payment of such principal and interest, to pledge and apply thereto part or all of any lawfully authorized special taxes provided for in RCW 67.28.180, to maintain rates, charges or rentals sufficient with other available moneys to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the ~~((bondholders))~~ bond owners, to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the legislative body may deem necessary to accomplish the most advantageous sale of such bonds. The legislative body may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The legislative body may include in the principal amount of any such revenue bond issue an amount for engineering, architectural, planning, financial, legal, and other services and charges incident to the acquisition or construction of public stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities, an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any facilities to be financed from the proceeds of such issue plus six months. The legislative body may, if it deems it in the best interest of the municipality, provide in any contract for the construction or acquisition of any facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds.

If the municipality shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the ~~((holder))~~ owner of any such bond may bring action against the municipality and compel the performance of any or all of such covenants.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 169. Section 11, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.110 are each amended to read as follows:

(1) To carry out the purpose of this chapter, any cultural arts, stadium and convention district shall have the power to 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 taxable property within such district, as the term "value of taxable property" is defined in RCW 39.36.015. A cultural arts, stadium and convention district is additionally authorized to issue general

obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to three-fourths of one percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, and to provide for the retirement thereof by excess levies when approved by the voters at a special election called for that purpose in the manner prescribed by section 6, Article VIII and section 2, Article VII of the Constitution and by RCW 84.52.056. General obligation bonds may not be issued with ~~((a-maturity))~~ maturities in excess of forty years. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 170. Section 12, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.120 are each amended to read as follows:

(1) To carry out the purposes of this chapter, the cultural arts, stadium and convention district shall have the power to issue revenue bonds: PROVIDED, That the district governing body shall create or have created a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the governing body may obligate the district to pay such amounts of the gross revenue of all or any part of the facilities constructed, acquired, improved, repaired or replaced pursuant to this chapter, as the governing body shall determine: PROVIDED FURTHER, That the principal of and interest on such bonds shall be payable only out of such special fund or funds, and the owners ~~((and holders))~~ of such bonds shall have a lien and charge against the gross revenue pledged to such fund. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

The governing body of a district shall have such further powers and duties in carrying out the purposes of this chapter as provided in RCW 67.28.160.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 171. Section 5, chapter 147, Laws of 1974 ex. sess. as amended by section 1, chapter 121, Laws of 1981 and RCW 70.37.050 are each amended to read as follows:

The authority shall establish rules concerning its exercise of the powers authorized by this chapter. The authority shall receive from applicants requests for the providing of bonds for financing of health care facilities and shall investigate and determine the need and the feasibility of providing such bonds. Whenever the authority deems it necessary or advisable for the benefit of the public health to provide financing for a health care facility, it

shall adopt a system and plan therefor and shall declare the estimated cost thereof, as near as may be, including as part of such cost funds necessary for the expenses incurred in the financing as well as in the construction or purchase or other acquisition or in connection with the rental or other payment for the use thereof, interest during construction, reserve funds and any funds necessary for initial start-up costs, and shall issue and sell its bonds for the purposes of the proposed plan or system: PROVIDED, That if a certificate of need is required for the proposed project no such plan and system shall be adopted until such certificate has been issued pursuant to chapter 70.38 RCW by the secretary of the department of social and health services. The authority shall have power as a part of such system or plan to create a special fund or funds for the purpose of defraying the cost of such project and for other projects of the same participant subsequently or at the same time approved by it and for their maintenance, improvement, reconstruction, remodeling and rehabilitation, into which special fund or funds it shall obligate and bind the participant to set aside and pay from the gross revenues of the project or from other sources an amount sufficient to pay the principal and interest of the bonds being issued, reserves and other requirements of the special fund and to issue and sell bonds payable as to both principal and interest out of such fund or funds relating to the project or projects of such participant.

Such bonds shall bear such date or dates, mature at such time or times, be in such denominations, be in such form, either coupon or registered, or both, as provided in section 3 of this 1983 act, carry such registration privileges, be made transferable, exchangeable, and interchangeable, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, bear such rate or rates of interest, and be sold in such manner, at such price, as the authority shall determine. Such bonds shall be executed by the chairman, by either its duly elected secretary or its executive director, and by the trustee if the authority determines to utilize a trustee for the bonds. Execution of the bonds may be by manual or facsimile signature: PROVIDED, That at least one signature placed thereon shall be manually subscribed.

Sec. 172. Section 6, chapter 264, Laws of 1945 as last amended by section 15, chapter 84, Laws of 1982 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.

(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) of this section.

(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 and sell (a) revenue bonds ((or)), revenue warrants, or other revenue obligations 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, warrants, or other obligations to be issued and sold in the same manner and subject to the same provisions as

provided for the issuance of revenue bonds, warrants, or other obligations by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended, (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, or (c) interest-bearing warrants to be drawn on a fund pending deposit in such fund of money sufficient to redeem such warrants and to be issued and paid in such manner and upon such terms and conditions as the board of commissioners may deem to be in the best interest of the district; 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. Any of such bonds, warrants, or other obligations may be in any form, including bearer or registered as provided in section 3 of this 1983 act. Notwithstanding the provisions of this subsection, such bonds, warrants, or other obligations may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

(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.

Sec. 173. Section 13, chapter 264, Laws of 1945 as last amended by section 86, chapter 56, Laws of 1970 ex. sess. and RCW 70.44.120 are each amended to read as follows:

(1) All general obligation bonds shall be serial in form and maturity and numbered from one upwards consecutively. The various annual maturities shall commence not later than the tenth year after the date of issue of such bonds. The resolution authorizing the issuance of the bonds shall fix the rate or rates of interest the bonds shall bear and the place and dates of the payment of both principal and interest. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. The bonds shall be signed by the president of the commission, attested by the secretary of the commission, and the seal of the public hospital district shall be affixed to each bond but not to ~~((the))~~ any coupons: PROVIDED, HOWEVER, That ~~((said))~~ any coupons, in lieu of being so signed, may have printed thereon a facsimile of the signatures of such officers.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 174. Section 5, chapter 132, Laws of 1973 as amended by section 3, chapter 6, Laws of 1975 and RCW 70.95A.040 are each amended to read as follows:

(1) All bonds issued by a municipality under the authority of this chapter shall be secured solely by revenues derived from the lease or sale of the facility. Bonds and any interest coupons issued under the authority of this chapter shall not constitute nor give rise to a pecuniary liability of the municipality or a charge against its general credit or taxing powers. Such limitation shall be plainly stated upon the face of each of such bonds. The use of the municipality's name on revenue bonds authorized hereunder shall not be construed to be the giving or lending of the municipality's financial guarantee or pledge, i.e. credit to any private person, firm, or corporation as the term credit is used in Article 8, section 7 of the Washington state Constitution.

(2) The bonds referred to in subsection (1) of this section, may (a) be executed and delivered at any time and from time to time, (b) be in such form and denominations, (c) be of such tenor, (d) be in ~~((registered or))~~ bearer or registered form either as to principal or interest or both, as provided in section 3 of this 1983 act, and may provide for conversion between registered and coupon bonds of varying denominations, (e) be payable in such installments and at such time or times not exceeding forty years from their date, (f) be payable at such place or places, (g) bear interest at such rate or rates as may be determined by the governing body, payable at such place or places within or without this state and evidenced in such manner, (h) be redeemable prior to maturity, with or without premium, and (i) contain such provisions not inconsistent herewith, as shall be deemed for the best interest of the municipality and provided for in the proceedings of the governing body whereunder the bonds shall be authorized to be issued.

(3) Any bonds issued under the authority of this chapter, may be sold at public or private sale in such manner and at such time or times as may be determined by the governing body to be most advantageous. The municipality may pay all expenses, premiums and commissions which the governing body may deem necessary or advantageous in connection with the authorization, sale and issuance thereof from the proceeds of the sale of said bonds or from the revenues of the facilities.

(4) All bonds issued under the authority of this chapter, and ~~((and))~~ any interest coupons applicable thereto shall be investment securities within the meaning of the uniform commercial code and shall be deemed to be issued by a political subdivision of the state.

(5) The proceeds from any bonds issued under this chapter shall be used only for purposes qualifying under Section 103(c)(4)(f) of the Internal Revenue Code of 1954, as amended.

(6) Notwithstanding subsections (2) and (3) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 175. Section 6, chapter 132, Laws of 1973 and RCW 70.95A.050 are each amended to read as follows:

(1) The principal of and interest on any bonds issued under the authority of this chapter (a) shall be secured by a pledge of the revenues derived from the sale or lease of the facilities out of which such bonds shall be made payable, (b) may be secured by a mortgage covering all or any part of the facilities, (c) may be secured by a pledge or assignment of the lease of such facilities, or (d) may be secured by a trust agreement or such other security device as may be deemed most advantageous by the governing body.

(2) The proceedings under which the bonds are authorized to be issued under the provisions of this chapter, and any mortgage given to secure the same may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting (a) the fixing and collection of rents for any facilities covered by such proceedings or mortgage, (b) the terms to be incorporated in the lease of such facilities, (c) the maintenance and insurance of such facilities, (d) the creation and maintenance of special funds from the revenues of such facilities, and (e) the rights and remedies available in the event of a default to the ~~((bondholders))~~ bond owners or to the trustee under a mortgage or trust agreement, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this chapter: PROVIDED, That in making any such agreements or provisions a municipality shall not have the power to obligate itself except with respect to the facilities and the application of the revenues therefrom, and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers.

(3) The proceedings authorizing any bonds under the provisions of this chapter and any mortgage securing such bonds may provide that, in the event of a default in the payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or mortgage, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the facilities in accordance with such proceedings or the provisions of such mortgage.

(4) Any mortgage made under the provisions of this chapter, to secure bonds issued thereunder, may also provide that, in the event of a default in the payment thereof or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed and the mortgaged property sold

under proceedings in equity or in any other manner now or hereafter permitted by law. Such mortgage may also provide that any trustee under such mortgage or the ~~((holder))~~ owner of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor. No breach of any such agreement shall impose any pecuniary liability upon a municipality or any charge upon their general credit or against their taxing powers.

(5) The proceedings authorizing the issuance of bonds hereunder may provide for the appointment of a trustee or trustees for the protection of the ~~((holders))~~ owners of the bonds, whether or not a mortgage is entered into as security for such bonds. Any such trustee may be a bank with trust powers or a trust company and shall be located in the United States, within or without the state of Washington, shall have the immunities, powers and duties provided in said proceedings, and may, to the extent permitted by such proceedings, hold and invest funds deposited with it in direct obligations of the United States, obligations guaranteed by the United States or certificates of deposit of a bank (including the trustee) which are continuously secured by such obligations of or guaranteed by the United States. Any bank acting as such trustee may, to the extent permitted by such proceedings, buy bonds issued hereunder to the same extent as if it were not such trustee. Said proceedings may provide for one or more co-trustees, and any co-trustee may be any competent individual over the age of twenty-one years or a bank having trust powers or trust company within or without the state. The proceedings authorizing the bonds may provide that some or all of the proceeds of the sale of the bonds, the revenues of any facilities, the proceeds of the sale of any part of a facility, of any insurance policy or of any condemnation award be deposited with the trustee or a co-trustee and applied as provided in said proceedings.

Sec. 176. Section 8, chapter 132, Laws of 1973 and RCW 70.95A.070 are each amended to read as follows:

Any bonds issued under the provisions of this chapter and at any time outstanding may at any time and from time to time be refunded by a municipality by the issuance of its refunding bonds in such amount as the governing body may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds to be so refunded, together with any unpaid interest thereon and any premiums and commissions necessary to be paid in connection therewith: PROVIDED, That an issue of refunding bonds may be combined with an issue of additional revenue bonds on any facilities. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby: PROVIDED FURTHER, That the ~~((holders))~~ owners of any bonds to be so refunded shall

not be compelled without their consent to surrender their bonds for payment or exchange except on the terms expressed on the face thereof. Any refunding bonds issued under the authority of this chapter shall be subject to the provisions contained in RCW 70.95A.040 and may be secured in accordance with the provisions of RCW 70.95A.050.

Sec. 177. Section 29, chapter 117, Laws of 1895 as amended by section 1, chapter 87, Laws of 1921 and RCW 85.05.290 are each amended to read as follows:

(1) Upon the establishment of any district under the provisions of this chapter and the establishment of a system of diking therein as provided for in this act, the board of commissioners of such diking district may, upon petition of the landowners owning a majority of all the lands within such district to be benefited thereby, issue bonds for the total amount of the cost of construction of said improvements, together with the costs of the establishment thereof, including damages assessed and compensation made to landowners for right of way and the expenses and costs of the entire proceeding payable at a time not less than five years nor longer than ten years from the date thereof(~~(, and such)~~). The commissioners may, at any time thereafter without such petition issue bonds for the purpose of funding any outstanding warrants or obligations of such district, and in case of such last named issue, all the outstanding warrants of such district shall immediately become due and payable upon receipt of the money by the county treasurer from the sale of said bonds, and upon a call of such outstanding obligations to be issued by him(~~(, which)~~). The call shall be made by said treasurer immediately upon receipt of the proceeds from the sale of said bonds by publication for two weeks successively in the county paper authorized to do the county printing(~~(, and)~~). Such warrants and outstanding obligations shall cease to draw interest at the end of thirty days after the date of the first publication of said call, such last named bonds shall be payable at a time not less than five years nor longer than ten years from the date thereof: PROVIDED, That no bonds shall, under the provisions hereof, be sold for less than their par value.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 178. Section 30, chapter 117, Laws of 1895 as last amended by section 87, chapter 56, Laws of 1970 ex. sess. and RCW 85.05.300 are each amended to read as follows:

(1) Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be (~~(made)~~) payable (~~(to the bearer)~~) in not more than ten years nor less than five years from the date of their issue, and bear interest at a rate or rates as authorized by the commissioners of the diking district payable annually(~~(, with~~

~~coupons attached for each interest payment~~). The bonds may be in any form, including bearer bonds or registered bonds as provided in section 1 of this 1983 act. The bonds and ~~((each))~~ any coupon shall be signed by the chairman of the board of diking commissioners, and shall be attested by the secretary of said board, and the seal of such district shall be affixed to each bond, but not to ~~((the))~~ any coupons.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 179. Section 34, chapter 117, Laws of 1895 and RCW 85.05.340 are each amended to read as follows:

It shall be the duty of such diking commissioners, annually, to levy an assessment sufficient for the payment of ~~((the coupons hereinbefore mentioned as they fall due. Said))~~ principal and interest on any bonds issued by the diking district. Any coupons shall be considered for all purposes as warrants drawn upon the funds of the district issuing bonds under the provisions of this act, and, when presented to the county treasurer and no funds are in the treasury to pay said coupons, it shall be his duty to indorse said coupons as presented for payment in the same manner as other warrants upon the funds of said district are indorsed, and thereafter said coupons shall bear interest at the same rate as other warrants so presented and unpaid. When there are no funds in the treasury to make interest payments on bonds not having coupons, the overdue interest payments shall bear interest at the same rate as unpaid warrants that are presented to the county treasurer.

Sec. 180. Section 1, chapter 156, Laws of 1913 as last amended by section 88, chapter 56, Laws of 1970 ex. sess. and RCW 85.05.480 are each amended to read as follows:

(1) Whenever by reason of any extraordinary occurrence or other casualty there occur such changes in conditions as to warrant, in the opinion of the commissioners of any diking district, an estimate for making repairs and improvements, including the yearly maintenance expense in an amount equal to twenty-five percent of the estimated cost of the original improvements, as provided for in RCW 85.05.090 the funds therefor may be provided by the issuance of bonds of said diking district, payable in not to exceed ten years, and to pay the same, such commissioners shall make a levy extending over such period of time and in such amount as shall be necessary to take care of such bonds and interest, and such levy when made shall state the year for which it is made and the amount thereof, and thereafter, the county auditor shall each year extend such levy without any further orders from said commissioners: PROVIDED, HOWEVER, That if for any cause whatsoever, said levy shall not be sufficient to take care of said bonds and interest or pay said fixed estimate a further levy shall be made for that purpose. The bonds may be in any form, including bearer bonds

and registered bonds as provided in section 3 of this 1983 act. Said bonds shall be sold at not less than par and shall bear interest at such rate or rates as authorized by the commissioners of the diking district, and the proceeds thereof shall be used in such repairs, improvements or maintenance or warrants issued in payment therefor and for no other purpose: PROVIDED, HOWEVER, That such bonds shall only be issued when they are presented to and filed with such commissioners and shall become a part of their record, a petition of property owners owning at least sixty percent of all the acreage in such district requesting the issuance of such bonds.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 181. Section 1, chapter 69, Laws of 1925 ex. sess. and RCW 85-05.510 are each amended to read as follows:

(1) Where a diking district shall have been organized under this chapter (~~((17 of the Laws of 1895 as amended))~~), and the lands of such district shall consist wholly of tidelands as defined by law, or other unsurveyed lands, and the object of such district is to reclaim said lands and place them under cultivation, and such a district (~~((s shall have))~~) has adopted a system of dikes for said district, including a pumping plant, if necessary, the board of commissioners of such district may, upon the petition of the landowners owning a majority of all the lands within the district, in addition to the method now provided by law for the issuance of bonds of diking districts, issue bonds under the provisions of RCW 85.05.510 through 85.05.550 for the total estimated or actual cost of constructing said improvements, including the cost of the establishment of said district and the damages awarded and compensation paid to landowners for right of way, and the expenses and costs of all necessary court proceedings. Where bonds by such district are issued under the provisions of RCW 85.05.510 through 85.05.550, the board shall determine under which of the three following schedules said bonds shall be payable:

SCHEDULE 1

If the board shall determine on ten annual payments, commencing one and ending ten years after date of such bonds, the installments thereof shall become due and collectible as follows:

For the first year . . . . .	5%
For the second year . . . . .	5%
For the third year . . . . .	5%
For the fourth year . . . . .	10%
For the fifth year . . . . .	10%
For the sixth year . . . . .	10%
For the seventh year . . . . .	10%
For the eighth year . . . . .	15%

For the ninth year . . . . .	15%
For the tenth year . . . . .	15%

SCHEDULE 2

If the board shall determine on fifteen annual payments, commencing in the first year and ending in the fifteenth year, the installments thereof shall become due and collectible as follows:

For the first year . . . . .	5%
For the second year . . . . .	5%
For the third year . . . . .	5%
For the fourth year . . . . .	5%
For the fifth year . . . . .	6%
For the sixth year . . . . .	6%
For the seventh year . . . . .	6%
For the eighth year . . . . .	6%
For each succeeding year . . . . .	8%

SCHEDULE 3

The board may, however, determine on ten annual installments, the first of such annual installments to be collected at a time to be specified by the board, commencing not later than six years after the date of such bonds, in which event the following schedule shall be adopted for collection thereof:

For the first installment . . . . .	5%
For the second installment . . . . .	5%
For the third installment . . . . .	5%
For the fourth installment . . . . .	10%
For the fifth installment . . . . .	10%
For the sixth installment . . . . .	10%
For the seventh installment . . . . .	10%
For the eighth installment . . . . .	15%
For the ninth installment . . . . .	15%
For the tenth installment . . . . .	15%

The commissioners may at any time, without petition issue bonds for the purpose of funding any outstanding warrant indebtedness of such district. In case of such an issue all the outstanding warrants of such district to be refunded shall immediately become due and payable upon receipt of the money by the county treasurer, and it shall be the duty of the county treasurer to issue a call for the payment of such warrants and to publish notice thereof in two successive weekly issues of the official county paper of such county. Such warrants so refunded shall cease to draw interest at the end of thirty days after the date of the first publication of said notice. Bonds to refund warrants shall be payable as specified in this section. No bonds shall be sold for less than their par value. Where bonds are authorized to cover



the estimated cost of an improvement, any unsold portion of such issue shall, upon the completion of said improvement, be canceled.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 182. Section 2, chapter 69, Laws of 1925 ex. sess. as amended by section 21, chapter 156, Laws of 1981 and RCW 85.05.520 are each amended to read as follows:

(1) Said bonds shall be numbered from one upwards consecutively and shall be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue and an interest rate or rates determined by the commission, payable annually or semiannually, as the commissioners shall direct (~~(; with coupons attached for each interest payment, and shall be made payable to bearer)~~). The bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. Said bonds and any coupons shall be signed by the chairman of the board and attested by the secretary, and the seal of such district shall be affixed to each bond, but not to (~~said~~) any coupons. Bonds shall be paid in the order of their numbers, and each bond shall specify its due date.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 183. Section 3, chapter 69, Laws of 1925 ex. sess. and RCW 85.05.530 are each amended to read as follows:

Before (~~said~~) principal and interest payments on bonds shall become due and in time to pay the annual installments thereof, the commissioners of said district shall, on or before the first Monday in October in each year, levy an assessment against the property of the district benefited sufficient to pay said installments of interest and/or interest and principal at their maturity, including any default in either principal or interest. Said assessment shall be in proportion to benefits and shall be collected by the county treasurer and kept as a separate fund for the sole purpose of paying the said interest and principal on said bonds, and every bond issue of such district shall constitute an irrevocable pledge of a sufficient amount of determined benefits to pay the principal and interest upon said bonds as the same mature. Said bonds and any interest coupons (~~shall~~) may be payable at the office of the county treasurer (~~(; provided that)~~). Where an authorized issue exceeds the sum of one hundred thousand dollars the same may be made payable at the office of the fiscal agency of the state of Washington in New York City.

Sec. 184. Section 26, chapter 115, Laws of 1895 and RCW 85.06.260 are each amended to read as follows:

(1) Upon the establishment of any district under the provisions of this chapter and the establishment of a system of drainage therein as provided for in this chapter, the board of commissioners of such drainage district may, upon petition of a majority of all the landowners owning land within such district to be benefited thereby, issue bonds for the total amount of the costs of construction of said improvement, together with the costs of the establishment thereof, including damages assessed and compensation made to landowners for right-of-way and the expenses and costs of the entire proceeding, payable at a time not less than five years nor longer than ten years from the date thereof(~~(, and)~~). Such commissioners may, at any time thereafter, issue such bonds in the manner and form herein prescribed for the purpose of funding any outstanding warrants or obligations of such district, and in case of such last named issue all the outstanding warrants shall immediately become due and payable upon receipt of the money by the county treasurer from the sale of said bonds, and upon a call of such outstanding obligations to be issued by him(~~(, which)~~). The call shall be made by said treasurer immediately upon receipt of the proceeds from the sale of said bonds by publication for two successive weeks in the county paper authorized to do the county printing(~~(, and)~~). Such warrants and outstanding obligations shall cease to draw interest at the end of thirty days after the date of the first publication: PROVIDED, That no bonds shall, under the provisions hereof, be sold for less than their par value.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 185. Section 27, chapter 115, Laws of 1895 as last amended by section 89, chapter 56, Laws of 1970 ex. sess. and RCW 85.06.270 are each amended to read as follows:

(1) Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable (~~(to the bearer)~~) in not more than ten years nor less than five years from the date of their issue, and bear interest at a rate or rates as authorized by the commissioners of the drainage district, payable annually(~~(, with coupons attached for each interest payment)~~). The bonds may be in any form, including bearer or registered, as provided in section 3 of this 1983 act. The bonds and (~~(each)~~) any coupon shall be signed by the chairman of the board of drainage commissioners, and shall be attested by the secretary of said board, and the seal of such district shall be affixed to each bond, but not to (~~(the)~~) any coupons.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 186. Section 31, chapter 115, Laws of 1895 and RCW 85.06.310 are each amended to read as follows:

It shall be the duty of such drainage commissioners annually to levy an assessment sufficient for the payment of ~~((the coupons hereinbefore mentioned as they fall due. Said))~~ principal and interest on any bonds issued by the drainage district. Any coupons shall be considered for all purposes as warrants drawn upon the funds of the district issuing bonds under the provisions of this chapter, and, when presented to the county treasurer, and no funds are in the treasury to pay said coupons, it shall be his duty to indorse said coupons as presented for payment in the same manner as other warrants upon the funds of said district are indorsed, and thereafter said coupons shall bear interest at the same rate as other warrants so presented and unpaid. When there are no funds in the treasury to make interest payments on bonds not having coupons, the overdue interest payments shall bear interest at the same rate as unpaid warrants that are presented to the county treasurer.

Sec. 187. Section 1, chapter 174, Laws of 1927 as last amended by section 90, chapter 56, Laws of 1970 ex. sess. and RCW 85.06.321 are each amended to read as follows:

(1) If any default shall have occurred in the payment of interest or principal of bonds of a drainage district and the board of drainage commissioners finds that any considerable number of owners of assessed lands are not and will not be able to pay assessments sufficient to meet without further default the principal of bonds still outstanding, the district, with the assent of the ~~((holders))~~ owners of all outstanding bonds not yet callable for payment, may issue refunding bonds pursuant to the plan prescribed in RCW 85.06.321 through 85.06.329, and use the proceeds, together with money derived from assessments, to pay the outstanding bonds. The ~~((maturity date))~~ maximum terms of refunding bonds shall be either twelve or seventeen years from their date, as the board shall determine, but they may be paid before maturity as hereinafter provided. Bonds shall be numbered consecutively from one up, be in denominations of one hundred, five hundred or one thousand dollars, be dated the first day of the month in which they are issued, ~~((be payable to bearer,))~~ draw interest ~~((evidenced by coupons))~~ payable semiannually at such rate or rates as authorized by the board of drainage commissioners, and be executed in the name and under the seal of the district by the president and the secretary of the board. Interest shall be payable on the first days of January and July of each year except that the first interest payment date shall be July first of the year following that in which the bonds were issued. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 188. Section 1, chapter 174, Laws of 1927 and RCW 85.06.327 are each amended to read as follows:

~~((Before refunding bonds are delivered the county treasurer shall register them in a book kept for that purpose to be known as the bond register, in which shall be entered the number and amount of each bond, the dates of issue, maturity, call and payment, the rate of interest, and to whom payable.))~~ Proceeds of a sale of bonds shall be paid by the purchaser to the treasurer, and every exchange of refunding bonds for outstanding bonds shall be made through the treasurer.

Sec. 189. Section 1, chapter 103, Laws of 1935 and RCW 85.07.060 are each amended to read as follows:

(1) Any board of commissioners of any diking or drainage district may, at any time, without petition and on its own motion, issue bonds of such district for the purpose of funding any outstanding warrants of such district. No bonds so issued shall be sold for less than their par value. They may be sold at public or private sale. Any department or agency of the state of Washington having power to invest funds is hereby authorized and empowered to use the same to buy such bonds.

(2) Such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 190. Section 2, chapter 103, Laws of 1935 as last amended by section 91, chapter 56, Laws of 1970 ex. sess. and RCW 85.07.070 are each amended to read as follows:

(1) Said bonds shall be numbered consecutively from one upwards and shall be in denominations of not less than one hundred dollars nor more than one thousand dollars each. They shall bear the date of issue, shall be made payable ~~((to the bearer))~~ in not more than ten years from the date of their issue, and shall bear interest at a rate or rates as authorized by the board of commissioners, payable annually ~~((, with coupons attached for each interest payment))~~. The bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. The bonds and ~~((each))~~ any coupon shall be signed by the chairman of the board of commissioners of each district and shall be attested by the secretary of said board. The seal, if any, of such district shall be affixed to each bond, but it need not be affixed to ~~((the))~~ any coupon.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 191. Section 3, chapter 103, Laws of 1935 and RCW 85.07.080 are each amended to read as follows:

~~((When said bonds are sold, but before they are delivered to the purchaser, they shall be presented to the county treasurer who shall register them in a book kept for that purpose and known as the bond register, in which he shall enter the number of each bond, the date of issue, the maturity, amount and rate of interest, when payable, and to whom sold:))~~ The proceeds derived from the sale of said bonds shall be paid by the purchaser thereof to the county treasurer for the use, benefit, and account of the district issuing same.

Sec. 192. Section 6, chapter 103, Laws of 1935 and RCW 85.07.110 are each amended to read as follows:

It shall be the duty of the commissioners of such district annually to levy ~~((an))~~ assessments sufficient to pay ~~((the coupons upon))~~ interest on such bonds as they fall due. They may at any time levy such additional assessment as they deem best to redeem and retire such bonds. Commencing not less than five years before the due date of such bonds, they shall determine the number of equal annual levies necessary to retire such bonds at maturity, and annually thereafter levy an assessment sufficient to liquidate all of said bonds by maturity. Such levies for interest and redemption of the bonds shall be added to the annual cost of the maintenance of the diking or drainage system of said district. Such assessments shall be collected by the county treasurer and kept as a special fund for the sole purpose of paying interest upon and liquidating said bonds.

Sec. 193. Section 17, chapter 176, Laws of 1913 as last amended by section 1, chapter 125, Laws of 1933 and RCW 85.08.240 are each amended to read as follows:

(1) The cost of improvement shall be paid by assessments upon the property benefited, said assessments to be levied and apportioned as hereinafter prescribed. At the hearing provided for in RCW 85.08.160, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall determine in what manner and within how many years said assessments shall be paid, and shall also at such hearing determine whether the evidence of indebtedness for the cost of said improvement shall be bonds or warrants. If bonds, it shall fix either ten or fifteen annual installments for the payment of said assessment. If warrants, it shall fix not to exceed five annual installments for the payment of said assessment. In case bonds are to be issued and the ~~((board))~~ county legislative authority shall determine on ten annual installments for the payment of said assessment, the installments thereof shall become due and collectible as follows:

For the 1st year . . . . .	5%
For the 2nd year . . . . .	5%
For the 3rd year . . . . .	5%
For the 4th year . . . . .	10%
For the 5th year . . . . .	10%

For the 6th year .....	10%
For the 7th year .....	10%
For the 8th year .....	15%
For the 9th year .....	15%
For the 10th year .....	15%

In case bonds are to be issued and the ((board)) county legislative authority shall determine on fifteen annual installments for the payment of said assessment, the installments thereof shall become due and collectible as follows:

For the 1st year .....	5%
For the 2nd year .....	5%
For the 3rd year .....	5%
For the 4th year .....	5%
For the 5th year .....	6%
For the 6th year .....	6%
For the 7th year .....	6%
For the 8th year .....	6%
For each succeeding year .....	8%

PROVIDED, That if at any time before the bonds of the district, or any thereof, are sold it shall appear to the ((board)) county legislative authority that it will be for the best interests of the district that the bonds of the district to be paid in fifteen annual installments, shall be paid in annual installments beginning after the expiration of five years from the date of the bonds, the ((board)) county legislative authority shall be authorized to provide, by resolution entered in its minutes, that such bonds shall be paid in fifteen annual installments and shall become due and collectible as follows:

For the 6th year .....	5%
For the 7th year .....	5%
For the 8th year .....	5%
For the 9th year .....	5%
For the 10th year .....	6%
For the 11th year .....	6%
For the 12th year .....	6%
For the 13th year .....	6%
For each succeeding year .....	8%

AND, PROVIDED FURTHER, That the ((board)) county legislative authority may by resolution to that effect provide that the bonds sold shall include a sum sufficient to pay the first four years' interest or less, to accrue on said bonds.

In case warrants are to be issued no annual installments shall be less than one-tenth nor more than one-half of the entire assessment.

In the event that the entire assessment upon any single tract or parcel of land, or contiguous tracts or groups of tracts belonging to the same owner is twenty-five dollars or less, such assessment shall become due and payable at the time the first general taxes next after the date of the levy shall become due, and the terms of this chapter relating to the payment of assessments in installments shall not apply to such assessments. The bonds shall be of such denomination, not less than one hundred dollars or more than five hundred dollars as the county (~~commissioners~~) legislative authority shall by resolution prescribe. The interest thereon shall be payable semiannually and the bonds shall be numbered consecutively, be (~~coupon~~) in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act, and shall recite that they are secured to be paid by assessments upon the property of drainage (or diking or sewerage) improvement district number . . . . of . . . . . county, and that they are not a general obligation of such county. They shall be payable in their serial order, on any (~~semi-annual coupon~~) interest payment date, on the call of the treasurer whenever there shall be sufficient money in the bond redemption fund of the district against which they are issued, over and above that necessary for the payment of interest on all outstanding bonds, to pay the principal of one or more bonds at the next (~~coupon~~) interest payment date: PROVIDED, That the proportionate amount of the entire issue of bonds called in the respective years shall not be in excess of the following bond redemption schedule:

First, in case the assessment is payable in ten annual installments:

For the 1st year . . . . .	10%
For the 2nd year . . . . .	10%
For the 3rd year . . . . .	10%
For the 4th year . . . . .	10%
For the 5th year . . . . .	10%
For the 6th year . . . . .	10%
For the 7th year . . . . .	10%
For the 8th year . . . . .	15%
For the 9th year . . . . .	15%

Second, in case the assessment is payable in fifteen annual installments:

For the 1st year . . . . .	10%
For the 2nd year . . . . .	6%
For the 3rd year . . . . .	6%
For the 4th year . . . . .	6%
For the 5th year . . . . .	6%
For the 6th year . . . . .	6%
For the 7th year . . . . .	5%
For the 8th year . . . . .	5%
For the 9th year . . . . .	10%

For the 10th year .....	10%
For the 11th year .....	10%
For the 12th year .....	10%
For the 13th year .....	10%

And in case the assessment is payable commencing five years after the issue of said bonds the proportionate amount of the entire issue of bonds called in the respective years shall not be in excess of the following bond redemption schedule:

For the 6th year .....	10%
For the 7th year .....	6%
For the 8th year .....	6%
For the 9th year .....	6%
For the 10th year .....	6%
For the 11th year .....	6%
For the 12th year .....	5%
For the 13th year .....	5%
For the 14th year .....	10%
For the 15th year .....	10%
For the 16th year .....	10%
For the 17th year .....	10%
For the 18th year .....	10%

The treasurer shall give notice of such call by publication in the county official newspaper once each week for two consecutive weeks, the first publication of which notice shall be at least fifteen days prior to the next ~~((coupon))~~ interest payment date, stating that bonds number ..... (giving their serial number or numbers) will be paid on the date the next ~~((coupons))~~ interest payments on said bonds shall become due, and interest upon such bonds shall thereupon cease upon such date. Each warrant and bond shall bear the date of its issuance and recite that it is payable on or before the first day of January of the third year after the last installment of the assessment upon which it is based shall become due. Each bond shall state on its face that bonds of the district cannot be called for payment at an earlier maturity than in accordance with the schedule therefor applicable thereto as herein provided, which schedule shall be printed on the face of the bonds. Each warrant and bonds shall be signed by a majority of the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority and attested by the county auditor under his seal, and ~~((each))~~ any coupon shall have printed thereon a facsimile of the signature of such officers. Where coupons are attached, interest coupon number 1 ~~((on such bonds))~~ shall be for the amount of interest due from the date of the issuance of said bonds to the first day of July in the year in which the first installment of the assessment becomes due and payable. ~~((The county treasurer shall register said bonds and warrants 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 said county commissioners and the county auditor, and that the seal attached is the seal of the county auditor.))~~ Neither bonds nor warrants shall be issued until after the expiration of the thirty days from the first publication of the notice given by the treasurer as provided in ~~((section 4435))~~ RCW 85.08.420 and shall not be issued in any amount in excess of that portion of the assessment remaining unpaid after the expiration of such thirty day period.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 194. Section 18, chapter 176, Laws of 1913 as amended by section 24, chapter 130, Laws of 1917 and RCW 85.08.280 are each amended to read as follows:

(1) The ((board of)) county ((commissioners)) legislative authority shall offer for sale the warrants and bonds or any part thereof, issued under the provisions of this chapter, and pay the proceeds thereof into the construction fund. Such sale shall be at public offering and under such rules and regulations and on such notice as they may determine, and the ~~((commissioners))~~ county legislative authority may accept the highest and best bid for such bonds or warrants received at such offering, or may reject any or all bids received. Any warrants or bonds issued under the provisions of this chapter or such portions thereof as shall remain unsold or undisposed of may be issued to the contractor constructing the improvement or any part thereof in payment therefor, and in case the improvement or any part thereof shall be constructed by the board of supervisors as in this chapter provided, may be issued in payment for work, labor and material performed and furnished therefor.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 195. Section 30, chapter 176, Laws of 1913 as last amended by section 24, chapter 156, Laws of 1981 and RCW 85.08.430 are each amended to read as follows:

After the expiration of said thirty-day period, payment of assessments in full, with interest to the next ~~((coupon))~~ interest payment date which is more than thirty days from the date of such payment, may be made at any time; PROVIDED, That the aggregate amount of such advance payments in any year, together with the total amount of the assessments due at the beginning of said year, shall not exceed the total amount of the bonds which may be called in that year according to the applicable bond redemption schedule. The treasurer shall accept payments of assessments in advance, in the order tendered, until the limit herein set forth has been reached.

The assessments contained in the assessment roll shall bear interest from the expiration of the thirty-day period at a rate determined by the county legislative authority and interest upon the entire assessment then unpaid shall be due and payable at the time each of said installments becomes due and payable as a part thereof.

The assessments contained in said assessment roll shall be liens upon the property assessed, such lien shall be of equal rank with other liens assessed against the property for local improvements and paramount to all other liens except the lien of general taxes, and shall relate back to and take effect as of the date when the county legislative authority determined to proceed with the construction of the improvement as provided in RCW 85.08.220.

Sec. 196. Section 1, chapter 211, Laws of 1929 as last amended by section 1, chapter 38, Laws of 1933 ex. sess. and RCW 85.09.010 are each amended to read as follows:

(1) Whenever any bonds and/or warrants of any diking or drainage improvement district of this state shall become payable or be outstanding and the ~~((board or boards of county commissioners))~~ legislative authority or authorities of the county or counties wherein such district lies shall determine that it will be for the best interests of the owners of the lands included in such district to issue refunding bonds and to levy ~~((an))~~ assessments to meet such obligations, they may levy such assessments and fix the time for the payment thereof and fix the installments in which such assessment shall be paid; and they may issue refunding bonds of the district in the manner hereinafter provided, to provide funds with which to pay such outstanding bonds and/or warrants.

Such refunding bonds (except in case the refunding loan shall be from the United States) shall be payable in such series and at such time or times over a period not exceeding twenty-five years as the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall determine; they shall bear interest payable semiannually on January first and July first of each year at such rate or rates as the said ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall determine; and all bonds shall be payable at any interest paying date on or before the due date thereof.

The assessments to support such refunding bonds shall become due in annual installments over a period not exceeding twenty-five years in amounts and installments adequate to retire the bonds as they fall due, as may be fixed by the ~~((board of))~~ county ~~((commissioners, and shall bear the same rate of interest as the said bonds))~~ legislative authority; and any and all assessments may be paid at any time, with interest to next interest paying date.

If such refunding bonds are to be deposited with, and the refunding loan to be procured from the Reconstruction Finance Corporation or any other loaning agency created by act of the congress of the United States, or from the United States, pursuant to any act of the congress of the United States,

the assessment to support said refunding bonds may be spread over such period of years, and shall become due in such installments, and bear such interest as shall be required by the Reconstruction Finance Corporation or such other loaning agency or by such proper official of the United States or by said act of congress; and the bonds shall be payable in such series, and at such times, and shall bear such rate or rates of interest as may be prescribed by the Reconstruction Finance Corporation or such other loaning agency or by such official of the United States or by such act of congress. The ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall have power to contract for the sale of said bonds to the United States, the Reconstruction Finance Corporation or other loaning agency created by act of congress, and to procure a refunding loan from the United States, the Reconstruction Finance Corporation or other loaning agency, on such terms and under such regulations, and to levy an assessment to pay said bonds in such installments or series, and over such period, as the Reconstruction Finance Corporation or such other loaning agency or the proper official of the United States or such act of congress may prescribe; and it shall not in such case be necessary to sell such refunding bonds at public sale.

In case no sale of such refunding bonds can in the judgment of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority be made on more advantageous terms, the county ~~((commissioners))~~ legislative authority may exchange such refunding bonds of the district at not less than par value and at not more than the rate of interest of the old bonds and/or warrants for an equal or greater amount of the outstanding bonds and/or warrants of said district without offering them at public sale.

When any assessment or installments of assessments to meet such refunding bonds, shall be delinquent for a period of two years, certificates of delinquency thereon shall be issued to the county, and foreclosure thereof shall forthwith be effected in the manner provided for such foreclosure of assessments in drainage and diking improvement districts.

When any land subject to an assessment to support refunding bonds issued pursuant to this chapter shall be conveyed by a county treasurer's deed to satisfy irrigation district assessments, such irrigation district deed shall eliminate all such drainage and/or diking assessments or installments thereof which are delinquent at the date of issuance thereof; but all such drainage and/or diking assessments or installments thereof not yet delinquent at the date of issuance of such deed shall remain a lien against such land and the title conveyed by the irrigation district deed shall be subject thereto.

Except as herein otherwise provided, all the provisions of chapter ~~((176 of the Laws of 1913 and acts amendatory thereof))~~ 85.08 RCW including joint action by the ~~((boards of commissioners))~~ legislative authorities of both counties in case of a district extending into two counties shall apply to

and be the law and shall govern the form and manner of said sale and issuance and payment of the refunding bonds, the rate or rates of interest they shall bear, and the form of such bonds, including bearer bonds or registered bonds as provided in section 3 of this 1983 act, the levy of the assessment to support the ~~((same))~~ bonds, appeals to the courts from actions by the county ~~((commissioners))~~ legislative authority, the manner of the collection of said assessments, and all other matters pertaining to the said refunding bonds and the assessment to meet the same, and except as herein otherwise provided, refunding bonds authorized, issued and disposed of under the provisions of this chapter shall entitle the ~~((holders and))~~ owners thereof to the same rights and privileges, shall constitute a lien on the same property and be paid in the same manner as the original bonds refunded by said bond issue.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 197. Section 3, chapter 26, Laws of 1949 and RCW 85.16.030 are each amended to read as follows:

(1) In maintaining a system of improvements of any such district the supervisors thereof may at any time, with the approval of the ~~((board))~~ county legislative authority and upon determination by such ~~((board))~~ county legislative authority that an emergency exists, make expenditures in excess of the last annual maintenance levy theretofore made, which excess amount or amounts shall in such event be included in the maintenance levy for the succeeding year except as otherwise herein provided.

When, owing to floods, earthquakes, inadequate maintenance or any other cause, it shall be found by the ~~((board))~~ county legislative authority, after consideration of the supervisors' recommendations, plans and specifications and schedules of estimated costs of maintenance work required, that necessary maintenance work will require extraordinary maintenance expenditures and the ~~((board))~~ county legislative authority shall have authorized such extraordinary maintenance work to be done as herein provided, the ~~((board))~~ county legislative authority may provide that the levy to meet such extraordinary expenditures shall be spread over a term of years and warrants or bonds issued to meet the same. Such terms shall not exceed five years if warrants are issued, and shall be either ten or fifteen years if bonds are issued, all as the ~~((board))~~ county legislative authority shall determine. The form, tenor, and amount of such bonds and warrants, the number of installments in which the assessments shall be paid, and the time and method of payment of assessments shall be the same as provided in RCW 85.08.240, for the original construction cost of a system of improvements: PROVIDED HOWEVER, That said bonds and warrants may be in denominations of one thousand dollars. Such bonds and warrants may be in any form, including bearer bonds or bearer warrants, or registered bonds or

registered warrants as provided in section 3 of this 1983 act. In case maintenance bonds or warrants to cover extraordinary maintenance expenditures are issued as herein provided, then a maintenance bond or warrant redemption fund for each separate issue of bonds or warrants shall be created into which all moneys derived from assessments levied to pay each issue shall be paid. Such redemption fund shall be applied first to the payment of the interest due upon such bonds or warrants and second to the payment of the principal thereof. After payment in full of principal and interest of any such issue of bonds or warrants, any balance thereafter remaining in any such redemption fund shall be paid into the district's maintenance fund.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 198. Section 13, chapter 26, Laws of 1949 as last amended by section 92, chapter 56, Laws of 1970 ex. sess. and RCW 85.16.180 are each amended to read as follows:

(1) The ~~((board))~~ county legislative authority shall thereupon enter an order authorizing the contemplated extraordinary maintenance work to be done and authorizing the issuance of temporary construction warrants to pay the cost of said work as it progresses, which warrants may bear interest at such rate or rates of interest as the ~~((board))~~ county legislative authority shall determine. Bonds or warrants to pay the costs of such extraordinary maintenance may be issued and sold at one time or from time to time and in such series and amounts as may be found practicable and as determined by the board.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 199. Section 17, chapter 225, Laws of 1909 and RCW 85.24.160 are each amended to read as follows:

The owner of any lot or parcel of land charged with any assessment, as hereinbefore provided, may redeem the same from all liability by paying the entire assessment charged against such lot or parcel of land, or part thereof, without interest, within thirty days after notice to him of such assessment, as herein provided, or may redeem same any time after the bonds ~~((above specified))~~ authorized in RCW 85.24.230 shall have been issued by paying the full amount of all the principal and interest to the end of the interest year then expiring or next to expire. The board shall pay the interest on the bonds authorized to be issued under this chapter out of the respective local improvement funds, from which they are payable, and whenever there shall be sufficient money in any of such funds against which bonds have been issued under provisions of this chapter, over and above the amount necessary for the payment of interest on all unpaid bonds, and sufficient to pay the principal of one or more bonds, the board shall call in and pay such bond:

PROVIDED, Said bonds shall be called in and paid in their numerical order: PROVIDED FURTHER, That such call shall be made by publication in one or more newspapers on the day following the delinquencies of the installment of the assessment, or as soon thereafter as practicable and shall state that bonds Nos. . . . . (giving serial number and numbers of the bonds called) will be paid on the day the interest (~~(coupons)~~) payments on such bonds shall become due, and interest upon such bonds shall cease upon such date.

Sec. 200. Section 16, chapter 225, Laws of 1909 as last amended by section 27, chapter 156, Laws of 1981 and RCW 85.24.230 are each amended to read as follows:

(1) Any such district by and through its board of commissioners, may, by resolution of such board, cause to be issued in the name of the district, bonds for the whole cost of the improvement, less such amounts as shall have been paid within the thirty days provided for redemption, as herein specified. Such bonds shall be called Local Improvement Bonds, Diking and Drainage District No. . . . . in . . . . . and . . . . . counties, state of Washington, and shall be payable in not more than ten years after date, and shall be subject to annual call by the board, in such manner and amount as there may be cash on hand to pay, in the respective local improvement fund, from which such bonds are payable(~~(; interest to be paid at the office of the treasurer of the fund)~~).

The board shall have the right to fix the beginning of the maturity of said bonds at not later than five years from date thereof. Said bonds shall bear interest at a rate or rates determined by the board, and shall be in such denominations as the board may determine, and shall be sold at not less than par and accrued interest, or said bonds may be exchanged at not less than par and accrued interest for outstanding warrants. All warrants and bonds provided for in this chapter shall be retired in their numerical order. In making sale of said bonds the board shall advertise the same for sale to the highest bidder, upon such notice as it may determine. Such bonds and warrants may be in any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in section 3 of this 1983 act.

Any bonds issued hereunder shall be subject to annual call by the treasurer of the board at the expiration of any year before maturity, in such manner and amounts as there may be cash on hand with which to pay the same in the said fund from which the same may be payable. Such call for payment shall be made by publishing notice of such call in a newspaper in each county in which said district is situated for three consecutive issues beginning not more than twenty days before the expiration of any year from the date of such bond, and interest on said bonds shall cease at the date named in such call.

~~((Said bonds shall have attached thereto interest coupons representing the annual or semiannual interest for the term of said bond:))~~

The bonds and any interest coupons shall be signed by the chairman and secretary of said board, provided that ~~((the))~~ any interest coupons may be executed by a facsimile of said signatures in lieu thereof.

~~((It shall be the duty of the board to keep a register of all such bonds:))~~

(2)\* Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 201. Section 109, chapter 72, Laws of 1937 and RCW 86.09.325 are each amended to read as follows:

The ex officio district treasurer shall pay out moneys collected or deposited with him in behalf of the district, or portions thereof, upon warrants issued by the county auditor against the proper funds of the districts, except the sums to be paid out of the bond fund ~~((upon the coupons or bonds presented to the treasurer))~~ for interest and principal payments on bonds.

Sec. 202. Section 188, chapter 72, Laws of 1937 and RCW 86.09.562 are each amended to read as follows:

Said county treasurer shall pay out the moneys received or deposited with him or any portion thereof upon warrants issued by the county auditor of the same county of which the district treasurer is an officer against the proper funds of the district except the sums to be paid out of the bond funds ~~((upon the coupons or bonds presented to such treasurer))~~ for interest and principal payments on bonds.

Sec. 203. Section 191, chapter 72, Laws of 1937 and RCW 86.09.571 are each amended to read as follows:

(1) Said bonds shall on their face pledge the full faith and credit of the district to their payment, shall be in such form as the ((state director)) department of ecology shall prescribe, shall be in such denominations as the board shall determine, shall be serial and with maturities providing a definite schedule of amortization, shall be payable at such place as shall be designated thereon, not more than thirty-five years from their date, and shall be numbered consecutively: PROVIDED, That the annual levy for bond purposes shall not in any year exceed by more than thirty percent the normal annual levy required by the amortized plan of payment of said bonds and interest against all the assessable lands in the district. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 204. Section 194, chapter 72, Laws of 1937 as last amended by section 93, chapter 56, Laws of 1970 ex. sess. and RCW 86.09.580 are each amended to read as follows:

(1) Said bonds shall bear the date of their issue, shall ~~((be made payable to bearer with))~~ have interest at a rate or rates as authorized by the district board, payable semiannually on the first day of January and of July in each year until paid ~~((and with coupons attached, for each interest payment))~~. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 205. Section 195, chapter 72, Laws of 1937 and RCW 86.09.583 are each amended to read as follows:

(1) Said bonds shall be signed by the president of the district board and shall be attested by the secretary and the seal of the district affixed to each bond but not to ~~((the))~~ any coupons. ~~((The))~~ Any coupons shall be signed by the same officers but the signature on the coupons may appear by lithographic facsimile.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 206. Section 196, chapter 72, Laws of 1937 and RCW 86.09.586 are each amended to read as follows:

(1) Said bonds shall express upon their face that they were issued by authority of this chapter, stating its title and date of approval and shall also state the number of issue of which said bonds are a part.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 207. Section 200, chapter 72, Laws of 1937 as last amended by section 94, chapter 56, Laws of 1970 ex. sess. and RCW 86.09.598 are each amended to read as follows:

(1) Said utility bonds shall be numbered consecutively, shall mature in series amortized in a definite schedule during a period not to exceed twenty years from the date of their issuance, shall be in such denominations and form and shall be payable, with annual or semiannual interest at such rate or rates and at such place as the ~~((state director))~~ department of ecology shall provide. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).



Sec. 208. Section 202, chapter 72, Laws of 1937 and RCW 86.09.604 are each amended to read as follows:

(1) Upon approval of the ~~((state director))~~ department of ecology first obtained, the district board shall have authority to issue and dispose of short term general obligation bonds of the district in such amount or amounts, not exceeding the aggregate amount of the district's collected revenue for the year next previous to the date of their issue, on such conditions and in such form as said ~~((state director))~~ department of ecology shall prescribe including issuance and sale in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act). Such bonds shall not run for a longer term than five years and may be issued without a district election authorizing them: PROVIDED, That a second issue of such bonds shall not be authorized until all outstanding short term bonds of the previous issue have been paid. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

Sec. 209. Section 203, chapter 72, Laws of 1937 and RCW 86.09.607 are each amended to read as follows:

(1) Bonds of flood control districts issued under the provisions of this chapter shall not be sold nor disposed of for less than ninety percent of par and where issued in exchange for labor or service, materials or machinery and appliances, such labor or service and/or property given in exchange shall be appraised in writing and approved by the ~~((state director))~~ department of ecology.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 210. Section 205, chapter 72, Laws of 1937 and RCW 86.09.613 are each amended to read as follows:

General obligation bonds of the district ~~((and their interest coupons))~~ of an earlier issue shall carry no preference as to payment over those of subsequent issue. Such bonds ~~((and their coupons))~~ shall be paid in the order of their respective maturity dates. When there is not sufficient money in the general bond fund to pay all bond maturities and interest then due, the county treasurer shall pay the interest on the due and unpaid bond or bonds of the earliest maturity in accordance with their numerical order, beginning with the bond having the smallest number, to the extent of the available money in the general bond fund.

Sec. 211. Section 17, chapter 153, Laws of 1961 and RCW 86.15.170 are each amended to read as follows:

(1) The ~~((board))~~ county legislative authority may authorize the issuance of general obligation bonds to finance any flood control improvement. Such general obligation bonds may be issued only when authorized by the voters pursuant to RCW 84.52.056. Such bonds shall be issued on behalf of

the zone or participating zones and be approved by the voters of the zone or participating zones when the improvement has by the resolution, provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Such bonds may be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 212. Section 8, chapter 136, Laws of 1967 ex. sess. and RCW 86-.15.178 are each amended to read as follows:

(1) The ((board)) county legislative authority may authorize the issuance of revenue bonds to finance any flood control improvement. Such bonds may be issued and sold by the ((board)) county legislative authority in the same manner as prescribed in RCW 36.67.510 through 36.67.570 pertaining to counties. Such bonds shall be issued on behalf of the zone or participating zones when the improvement has by the resolution, provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

Each revenue bond shall state on its face that it is payable from a special fund, naming such fund and the resolution creating the fund.

Revenue bond principal, interest, and all other related necessary expenses shall be payable only out of the appropriate special fund.

A zone or participating zones shall have a lien for delinquent service charges, including interest thereon, against the premises benefited by a flood control improvement, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67-.200 through 35.67.290.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 213. Section 15, page 679, Laws of 1889-90 as last amended by section 1, chapter 119, Laws of 1977 ex. sess. and RCW 87.03.200 are each amended to read as follows:

(1) At ((such)) the election provided for in RCW 87.03.190, there 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.

(2) 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. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. Said bonds 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.~~) 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 any 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 any coupons upon which such facsimile signature is to be printed, engraved, or lithographed and the manner of numbering the bonds or any coupons upon which such signature shall be placed. Within ninety days after the completion of the printing, engraving, or lithographing of such bonds or any 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 any 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 any 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.

(3) 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.

(4) 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 printed, engraved or lithographed facsimile.))~~ The bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act. 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))~~ owners 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.

(5) Notwithstanding subsections (1) through (4) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 214. Section 16, page 681, Laws of 1889-90 as last amended by section 2, chapter 43, Laws of 1933 and RCW 87.03.210 are each amended to read as follows:

(1) The board may sell the bonds of the district or pledge the same to the United States from time to time in such quantities as may be necessary and most advantageous to raise money for the construction, reconstruction, betterment or extension of such canals and works, the acquisition of said property and property rights, the payment of outstanding district warrants when consented to in writing by the director of conservation and development, and to such extent as shall be authorized at said election, the assumption of indebtedness to the United States for the district lands, and otherwise to fully carry out the objects and purposes of the district organization, and may sell such bonds, or any of them, at private sale whenever the board deems it for the best interest of the district so to do: PROVIDED, That no election to authorize bonds to refund outstanding warrants shall be held and canvassed after the expiration of the year 1934. The board of directors shall also have power to sell said bonds, or any portion thereof, at private sale, and accept in payment therefor, property or property rights, labor and material necessary for the construction of its proposed canals or irrigation works, power plants, power sites and lines in connection therewith, whenever the board deems it for the best interests of the district so to do. If the board shall determine to sell the bonds of the district, or any portion thereof, at public sale, the secretary shall publish a notice of such sale for at

least three weeks in such newspaper or newspapers as the board may order. The notice shall state that sealed proposals will be received by the board, at its office, for the purchase of the bonds to be sold, until the day and hour named in the notice. At the time named in the notice, the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder and may reject all bids: PROVIDED, That such bonds shall not be sold for less than ninety percent of their face value: AND PROVIDED, FURTHER, That the proceeds of all bonds sold for cash must be paid by the purchaser to the county treasurer of the county in which the office of the board is located, and credited to the bond fund.

(2) Notwithstanding subsection (1) of this section, such bonds may also be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 215. Section 17, page 681, Laws of 1889-90 as last amended by section 16, chapter 209, Laws of 1981 and RCW 87.03.215 are each amended to read as follows:

Said bonds and interest thereon and all payments due or to become due to the United States or the state of Washington under any contract between the district and the United States or the state of Washington accompanying which bonds of the district have not been deposited with the United States or the state of Washington, as in RCW 87.03.140 provided, shall be paid by revenue derived from an annual assessment upon the real property of the district, and all the real property in the district shall be and remain liable to be assessed for such payments until fully paid as hereinafter provided. And in addition to this provision and the other provisions herein made for the payment of said bonds and interest thereon as the same may become due, said bonds, or the contract with the United States or the state of Washington accompanying which bonds have not been deposited with the United States or the state of Washington, shall become a lien upon all the water rights and other property acquired by any irrigation district formed under the provisions of this chapter, and upon any canal or canals, ditch or ditches, flumes, feeders, storage reservoirs, machinery and other works and improvements acquired, owned or constructed by said irrigation district, and if default shall be made in the payment of the principal of said bonds or interest thereon, or any payment required by the contract with the United States, or the state of Washington, according to the terms thereof, the ~~((holder))~~ owner of said bonds, or any part thereof or the United States or the state of Washington as the case may be, shall have the right to enter upon and take possession of all the water rights, canals, ditches, flumes, feeders, storage reservoirs, machinery, property and improvements of said irrigation district, and to hold and control the same, and enjoy the rents, issues and profits thereof, until the lien hereby created can be enforced in a civil action in the same manner and under the same proceedings as given in the foreclosure of a mortgage on real estate. This section shall apply to all

bonds heretofore issued or any contract heretofore made with the United States, or which may hereafter be issued or made by any district: PROVIDED, That when any such contract made after December 1, 1981, between any district and the United States or the state of Washington covers only the real property in a portion or portions of the district, all payments due or to become due to the United States or the state of Washington shall be paid by revenue derived from an annual assessment upon the real property only in that portion or portions of the district covered by the contract and the real property shall be and remain liable to be assessed for such payments until fully paid and any assessment lien which attaches thereto shall be the exclusive lien notwithstanding other liens provided for in this section. In the event of a contract between the district and the United States or the state of Washington accompanying which bonds of the district have not been deposited with the United States or the state of Washington as provided in RCW 87.03.140 and the contract covers real property in only a portion or portions of the district, the question of whether the district should enter the contract shall be submitted only to those qualified electors who hold title or evidence of title to real property within that portion or portions of the district and in the same manner as provided in RCW 87.03.200.

Sec. 216. Section 22, page 683, Laws of 1889-90 as last amended by section 1, chapter 169, Laws of 1967 and RCW 87.03.260 are each amended to read as follows:

The board of directors shall in each year before said roll is delivered by the secretary to the respective county treasurers, levy an assessment sufficient to raise the ensuing annual interest on the outstanding bonds, and all payments due or to become due in the ensuing year to the United States or the state of Washington under any contract between the district and the United States or the state of Washington accompanying which bonds of the district have not been deposited with the United States or the state of Washington as in this act provided. Beginning in the year preceding the maturity of the first series of the bonds of any issue, the board must from year to year increase said assessment for the ensuing years in an amount sufficient to pay and discharge the outstanding bonds as they mature. Similar levy and assessment shall be made for the expense fund which shall include operation and maintenance costs for the ensuing year. The board shall also at the time of making the annual levy, estimate the amount of all probable delinquencies on said levy and shall thereupon levy a sufficient amount to cover the same and a further amount sufficient to cover any deficit that may have resulted from delinquent assessments for any preceding year. The board shall also, at the time of making the annual levy, estimate the amount of the assessments to be made against lands owned by the district, including local improvement assessments, and shall levy a sufficient amount to pay said assessments. All lands owned by the district shall be



exempt from general state and county taxes: PROVIDED, HOWEVER, That in the event any lands, and any improvements located thereon, acquired by the district by reason of the foreclosure of irrigation district assessments, shall be by said district resold on contract, then and in that event, said land, and any such improvements, shall be by the county assessor immediately placed upon the tax rolls for taxation as real property and shall become subject to general property taxes from and after the date of said contract, and the secretary of the said irrigation district shall be required to immediately report such sale within ten days from the date of said contract to the county assessor who shall cause the property to be entered on the tax rolls as of the first day of January following.

The board may also at the time of making the said annual levy, levy an amount not to exceed twenty-five percent of the whole levy for the said year for the purpose of creating a surplus fund. This fund may be used for any of the district purposes authorized by law. The assessments, when collected by the county treasurer, shall constitute a special fund, or funds, as the case may be, to be called respectively, the "Bond Fund of . . . . . Irrigation District," the "Contract Fund of . . . . . Irrigation District," the "Expense Fund of . . . . . Irrigation District," the "~~((Coupon))~~ Warrant Fund of . . . . . Irrigation District," the "Surplus Fund of . . . . . Irrigation District".

If the annual assessment roll of any district has not been delivered to the county treasurer on or before the 15th day of January in the year 1927, and in each year thereafter, he shall notify the secretary of the district by registered mail that said assessment roll must be delivered to the office of the county treasurer forthwith. If said assessment roll is not delivered within ten days from the date of mailing of said notice to the secretary of the district, or if said roll when delivered is not equalized and the required assessments levied as required by law, or if for any reason the required assessment or levy has not been made, the county treasurer shall immediately notify the ~~((board of county commissioners))~~ legislative authority of the county in which the office of the board of directors is situated, and said ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall cause an assessment roll for the said district to be prepared and shall equalize the same if necessary and make the levy required by this chapter in the same manner and with like effect as if the same had been equalized and made by the said board of directors, and all expenses incident thereto shall be borne by the district. In case of neglect or refusal of the secretary of the district to perform the duties imposed by law, then the treasurer of the county in which the office of the board of directors is situated must perform such duties, and shall be accountable therefor, on his official bond, as in other cases.

At the time of making the annual levy in the year preceding the final maturity of any issue of district bonds, the board of directors shall levy a sufficient amount to pay and redeem all bonds of said issue then remaining

unpaid. All surplus remaining in any bond fund after all bonds are paid in full must be transferred to the surplus fund of the district.

Any surplus moneys in the surplus fund or any surplus moneys in the bond fund when so requested by the board of directors shall be invested by the treasurer of said county under the direction of said board of directors in United States (~~(gold-bearing)~~) bonds or bonds of the state of Washington, or any bonds pronounced by the treasurer of the state of Washington as valid security for the deposit of public funds, and in addition thereto any bonds or warrants of said district, all of which shall be kept in the surplus fund until needed by the district for the purposes authorized by law.

Sec. 217. Section 34, page 688, Laws of 1889-90 as last amended by section 22, chapter 129, Laws of 1921 and RCW 87.03.430 are each amended to read as follows:

~~((Upon the presentation of the coupons due to))~~ Whenever interest payments on bonds are due, the treasurer of said county(~~(, he)~~) shall pay the same from the bond fund belonging to such district and deposited with such treasurer. Whenever, after ten years from the issuance of said bonds, said fund shall amount to the sum of ten thousand dollars, the board of directors may direct the treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising in some daily newspaper for such period of time not less than four weeks as the board shall order for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted: PROVIDED, That no bond shall be redeemed under the foregoing provision at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the (~~(holders)~~) owners of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the treasurer of said county, under the direction of the board, in United States (~~(gold-bearing)~~) bonds, or the bonds of the state, which shall be kept in said bond fund, and may be used to redeem said district bonds whenever the (~~(holders)~~) owners thereof may desire.

Sec. 218. Section 2, chapter 276, Laws of 1961 as last amended by section 1, chapter 83, Laws of 1979 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)~~) for interest and principal payments on bonds: PROVIDED, That in those districts which designate their own treasurer, the treasurer may issue the warrants or any checks when the district is authorized to issue checks. 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 or board of control 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 and 87.56.210 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 and 87.56.210 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 and approved by the chairman and signed by the secretary and directed to the proper official 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.

Sec. 219. Section 3, chapter 276, Laws of 1961 as amended by section 2, chapter 83, Laws of 1979 and RCW 87.03.441 are each amended to read as follows:

The directors may provide by resolution that the secretary may deposit the following temporary funds in a local bank in the name of the district: (1) A fund to be known as "general fund" in which shall be deposited all moneys received from the sale of land, except such portion thereof as may be obligated for bond redemption, and all rentals, tolls, and all miscellaneous collections. This fund shall be transmitted to the district treasurer or disbursed in such manner as the directors may designate. (2) A fund to be known as "fiscal fund" in which shall be deposited all collections made by the district as fiscal agent of the United States. (3) A "revolving fund" in such amount as the directors shall by resolution determine, acquired by the issue of coupon or registered warrants or by transfer of funds by warrant drawn upon the expense fund. This fund may be disbursed by check signed by the secretary or such other person as the board may designate, in the payment of such expenditures as the board may deem necessary. This fund shall be reimbursed by submitting copies of approved vouchers and/or copy of payrolls to the county auditor with a claim voucher specifying the fund upon which warrants for such reimbursements shall be drawn. The warrants for such reimbursements shall be made out by the auditor to the "secretary's revolving fund."

Sec. 220. Section 41, page 692, Laws of 1889-90 as last amended by section 28, chapter 156, Laws of 1981 and RCW 87.03.470 are each amended to read as follows:

(1) The board of directors may, at any time when in their judgment it may be advisable, call a special election and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes

provided in this chapter including any purpose for which the bonds of the district or the proceeds thereof might be lawfully used. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of RCW 87.03.200. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used and the number of installments in which it is to be paid. At such election the ballot shall contain the words "Assessment Yes" and "Assessment No." If the majority of the votes cast are "Assessment Yes" the board may immediately or at intervals thereafter incur indebtedness to the amount of said special assessment for any of the purposes for which the proceeds of said assessment may be used, and may provide for the payment of said indebtedness by the issue and sale of ((coupon)) notes of the district to an amount equal to said authorized indebtedness, which ((coupon)) notes shall be payable in such equal installments not exceeding three in number as the board shall direct. Said ((coupon)) notes shall be payable by assessments levied at the time of the regular annual levy each year thereafter until fully paid. The amount of the assessments to be levied shall be ascertained by adding fifteen percent for anticipated delinquencies to the whole amount of the indebtedness incurred and interest. Each assessment so levied shall be computed and entered on the assessment roll by the secretary of the board, and collected at the same time and in the same manner as other assessments provided for herein, and when collected shall be paid to the county treasurer of the county to the credit of said district, for the purposes specified in the notice of such special election: PROVIDED, HOWEVER, That the board of directors may at their discretion issue said ((coupon)) notes in payment for labor or material, or both, used in connection with the purposes for which such indebtedness was authorized. ((Coupon)) Notes issued under this section shall bear interest at a rate determined by the board, payable semiannually. Such notes may be in any form, including bearer notes or registered notes as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such notes may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 221. Section 42, page 693, Laws of 1889-90 as last amended by section 29, chapter 156, Laws of 1981 and RCW 87.03.475 are each amended to read as follows:

(1) The board shall incur no debt or liability in excess of the express provisions of this title. It may without an election and levy therefor pay the necessary costs and expenses of organizing and may make surveys, do engineering work, and conduct a general investigation to determine the feasibility of the proposed irrigation project, and may incur an indebtedness therefor prior to levy, which indebtedness on account of surveys, engineering

and investigations shall not exceed fifty cents an acre, and shall be assessable against the lands within the district. In cases of emergency, making it necessary to incur indebtedness in order to continue the operation of the irrigation system or any part thereof, the board by resolution may incur such indebtedness not exceeding the amount actually necessary to meet the requirements of the emergency. It may incur indebtedness necessary to carry on the ordinary administrative affairs of the district and if the district acquires an irrigation system before making its first regular annual levy, the board may incur such indebtedness necessary to pay the ordinary expenses of operation and maintenance until the regular annual levy is made.

The board may issue warrants for the payment of any indebtedness incurred under this section, which shall bear interest at a rate or rates determined by the board, and it shall include in its next annual levy for the payment of the expenses of operation and maintenance, the amount of all warrants issued by virtue hereof.

The board may issue as a general obligation of the district coupon or registered warrants in denominations not in excess of five hundred dollars, bearing interest (~~(evidenced by coupons payable semiannually at a rate)~~) as determined by the board. Such warrants may be registered as provided in section 3 of this 1983 act. Such warrants shall mature in not more than five years and may be used, or the proceeds thereof, in the purchase of grounds and buildings, machinery, vehicles, tools or other equipment for use in operation, maintenance, betterment, reconstruction or local improvement work, and for creating a revolving fund for carrying on such work as in this title provided. The proceeds of the warrants shall be paid to the district treasurer who shall place them in an appropriate fund and pay them out upon warrants of the district. The maximum indebtedness hereby authorized shall not exceed one dollar per acre of the total irrigable area within the district. No warrant shall be sold for less than par. They shall state on their face that they are a general obligation of the district, the purposes for which they are used, and that they are payable on or before maturity. They shall be retired by assessments levied in accordance with the provisions of this title at the time other assessments are levied.

The board may accumulate by assessment a fund to be designated as the "capital fund" to be used for the purposes for which the above warrants may be used. The total of such fund shall not exceed one dollar per acre of the total irrigable area in the district and shall be accumulated in not less than five annual installments. The fund shall not be permanently depleted or reduced but shall be replaced from year to year by assessments on any lands of the district benefited by the use thereof. The reasonable value of all grounds, buildings, machinery, vehicles, tools or other equipment on hand, purchased with such fund, and the revolving fund, if any, derived from such fund, shall be a part of the capital fund.

(2) Notwithstanding subsection (1) of this section, such warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 222. Section 11, chapter 162, Laws of 1917 as last amended by section 7, chapter 185, Laws of 1979 ex. sess. and RCW 87.03.485 are each amended to read as follows:

In the event that the said board shall approve said petition, the board shall fix a time and place for the hearing thereof and shall publish a notice once a week for two consecutive weeks preceding the date of such hearing and the last publication shall not be more than seven days before such date and shall mail such a notice on or before the second publication date by first class mail, postage prepaid, to each owner or reputed owner of real property within the proposed local improvement district, as shown on the rolls of the county treasurer as of a date not more than twenty days immediately prior to the date such notice was mailed. Such notice must be published in a newspaper of general circulation in each county in which any portion of the land proposed to be included in such local improvement district lies. Such notice shall state that the lands within said described boundaries are proposed to be organized as a local improvement district, stating generally the nature of the proposed improvement; that bonds for such local improvement district are proposed to be issued as the bonds of the irrigation district, or that a contract is proposed to be entered into between the district and the United States or the state of Washington, or both, that the lands within said local improvement district are to be assessed for such improvement, that such bonds or contract will be a primary obligation of such local improvement district and a general obligation of the irrigation district and stating a time and place of hearing thereon. At the time and place of hearing named in said notice, all persons interested may appear before the board and show cause for or against the formation of the proposed improvement district and the issuance of bonds or the entering into of a contract as aforesaid. Upon the hearing the board shall determine as to the establishment of the proposed local improvement district. Any landowner whose lands can be served or will be benefited by the proposed improvement, may make application to the board at the time of hearing to include such land and the board of directors in such cases shall, at its discretion, include such lands within such district. The board of directors may exclude any land specified in said notice from said district provided, that in the judgment of the board, the inclusion thereof will not be practicable.

As an alternative plan and subject to all of the provisions of this chapter, the board of directors may initiate the organization of a local improvement district as herein provided. To so organize a local improvement district the board shall adopt and record in its minutes a resolution specifying the lands proposed to be included in such local improvement district or by describing the exterior boundaries of such proposed district or by both. Said

resolution shall state generally the plan, character and extent of the proposed improvements, that the land proposed to be included in such improvement district will be assessed for such improvements; and that ((~~coupon~~)) local improvement district bonds of the irrigation district will be issued or a contract entered into as hereinabove in this section provided to meet the cost thereof and that such bonds or contract will be a primary obligation of such local improvement district and a general obligation of the irrigation district. Said resolution shall fix a time and place of hearing thereon and shall state that unless a majority of the holders of title or of evidence of title to lands within the proposed local improvement district file their written protest at or before said hearing, consent to the improvement will be implied.

A notice containing a copy of said resolution must be published once a week for two consecutive weeks preceding the date of such hearing and the last publication shall not be more than seven days before such date, and shall be mailed on or before the second publication date by first class mail, postage prepaid, to each owner or reputed owner of real property within the proposed local improvement district, as shown on the rolls of the county treasurer as of a date not more than twenty days immediately prior to the date such notice was mailed, and the hearing thereon shall not be held in less than twenty days from the adoption of such resolution. Such notice must be published in one newspaper, of general circulation, in each county in which any portion of the land proposed to be included in such local improvement district lies. Said hearing shall be held and all subsequent proceedings conducted in accordance with the provisions of this act relating to the organization of local improvement districts initiated upon petition.

Sec. 223. Section 12, chapter 162, Laws of 1917 as last amended by section 30, chapter 156, Laws of 1981 and RCW 87.03.490 are each amended to read as follows:

(1) 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 or rates determined by the board, 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. 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. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

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 any 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 any coupons upon which such facsimile signature is to be printed, engraved, or lithographed and the manner of numbering the bonds or any coupons upon which such signature shall be placed. Within ninety days after the completion of the printing, engraving, or lithographing of such bonds or any 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 any 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.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 224. Section 2, chapter 128, Laws of 1935 as last amended by section 31, chapter 156, Laws of 1981 and RCW 87.03.510 are each amended to read as follows:

There is hereby established for each irrigation district in this state having local improvement districts therein a fund for the purpose of guaranteeing to the extent of such fund and in the manner herein provided, the payment of its local improvement bonds and warrants issued or contract entered into to pay for the improvements provided for in this act. Such fund shall be designated "local improvement guarantee fund" and for the purpose of maintaining the same, every irrigation district shall hereafter levy from time to time, as other assessments are levied, such sums as may be necessary to meet the financial requirements thereof: PROVIDED, That such sums so assessed in any year shall not be more than sufficient to pay the outstanding warrants or contract indebtedness on said fund and to establish therein a balance which shall not exceed five percent of the outstanding obligations thereby guaranteed. Whenever any bond ((or)) redemption payment, interest ((coupon)) payment, or contract payment of any local improvement district shall become due and there is insufficient funds in the local improvement district fund for the payment thereof, there shall be paid from said local improvement district guarantee fund, by warrant or by such other means as is called for in the contract, a sufficient amount, which together with the balance in the local improvement district fund shall be sufficient to redeem and pay said bond or coupon or contract payment in full. Said warrants against said guarantee fund shall draw interest at a rate determined by the board and said bonds and ((coupons)) and interest payments shall be paid in their order of presentation or serial order. Whenever

there shall be paid out of the guarantee fund any sum on account of principal or interest of a local improvement bond or warrant or contract the irrigation district, as trustee for the fund, shall be subrogated to all of the rights of the ~~((holder))~~ owner of the bond ~~((or interest coupon))~~ or contract amount so paid, and the proceeds thereof, or of the assessment underlying the same shall become part of the guarantee fund. There shall also be paid into such guarantee fund any interest received from bank deposits of the fund, as well as any surplus remaining in any local improvement district fund, after the payment of all of its outstanding bonds or warrants or contract indebtedness which are payable primarily out of such local improvement district fund.

Sec. 225. Section 15, chapter 162, Laws of 1917 as amended by section 30, chapter 129, Laws of 1921 and RCW 87.03.515 are each amended to read as follows:

It shall be lawful for any irrigation district which has issued local improvement district bonds for said improvements, as in this chapter provided, to issue in place thereof an amount of general bonds of the irrigation district not in excess of such issue of local improvement district bonds, and to sell the same, or any part thereof, or exchange the same, or any part thereof, with the ~~((holders))~~ owners of such previously issued local improvement district bonds for the purpose of redeeming said bonds: PROVIDED, HOWEVER, That all the provisions of this chapter regarding the authorization and issuing of bonds shall apply, and: PROVIDING, FURTHER, That the issuance of said bonds shall not release the lands of the local improvement district or districts from liability for special assessments for the payment thereof: AND PROVIDED FURTHER, That the lien of any issue of bonds of the district prior in point of time to the issue of bonds or local improvement district bonds herein provided for, shall be deemed a prior lien.

Sec. 226. Section 8, chapter 70, Laws of 1970 ex. sess. and RCW 87-.03.522 are each amended to read as follows:

In lieu of the issuance of local improvement district ~~((coupon))~~ bonds or the entering into a contract with the United States or the state of Washington, or both, to secure the funds for or to repay the cost of any improvement to be charged, in whole or in part, against any local improvement district organized pursuant to this chapter, any irrigation district may finance the cost of said local improvement with any general district funds which may be available for said purpose and provide, in such manner as the district's directors may determine, for the repayment, with or without interest as the district's directors determine, through assessments against the lands in the local improvement district levied in the same manner authorized by this chapter of said general district moneys thus advanced.

Sec. 227. Section 2, chapter 161, Laws of 1923 and RCW 87.19.010 are each amended to read as follows:

Whenever the board of directors of any irrigation district shall deem it for the best interest of said district that any or all outstanding bonds of said district be refunded, they shall so declare by resolution duly adopted and recorded in the minutes of said board and shall, with the written approval of the state director of the department of ~~((conservation and development))~~ ecology, submit the question to the legally qualified electors of said district at a general election or at a special election called for that purpose and if a majority of said electors voting at said election vote in favor thereof the directors of said district shall issue and exchange said bonds for those outstanding, or sell said bonds and retire said outstanding bonds. The bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 228. Section 3, chapter 161, Laws of 1923 as last amended by section 96, chapter 56, Laws of 1970 ex. sess. and RCW 87.19.030 are each amended to read as follows:

(1) Said bonds shall be issued in series and in denominations of not less than one hundred dollars nor more than one thousand dollars. The first series shall mature not later than ten years and the last series not later than forty years. Each series shall be numbered from one, up consecutively, shall bear the date of their issue, and shall bear interest at any rate or rates as authorized by the board of directors of said district, payable semiannually on the first day of January and July of each year, ~~((with interest coupons attached))~~ and the principal and interest ~~((shall))~~ may be made payable at the office of the county treasurer of the county in which the office of the board of directors is situated, or at any fiscal agency of the state of Washington. Said bonds shall be negotiable in form and the bonds ~~((and interest coupons))~~ shall be signed by the president and secretary of the board of directors of said district and the seal of said district, affixed. The signatures of the president and secretary may, however, appear by lithographic facsimile. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 229. Section 2, chapter 120, Laws of 1929 and RCW 87.22.020 are each amended to read as follows:

Before any proposition for the issuance of limited liability refunding bonds, as provided for in this chapter, of an irrigation district in this state shall be submitted to the electors thereof, the board of directors of said district shall at their option have authority, upon the written consent of the ~~((holders))~~ owners of at least fifty-one percent of the face value of the bonds proposed to be refunded, and upon the written approval of the state

department of (~~(conservation and development)~~) ecology, and of the owners of fifty-one percent of the acreage of the land within the district, to institute proceedings in the superior court of the proper county to determine the irrigable acreage of the lands which shall be subject to assessment for the payment of said refunding bonds and the interest thereon, and to determine the maximum benefits to be received by said lands from said proposed refunding bonds, in the manner herein provided.

Sec. 230. Section 3, chapter 120, Laws of 1929 and RCW 87.22.030 are each amended to read as follows:

The said board of directors shall institute such proceedings by filing a petition in the superior court of the county in which the greater part of the lands in the district are situated. Said petition shall give the name of the district, shall set out the nature of its water rights and the general character of its irrigation works and distribution system, shall state the amount, maturity schedule of minimum annual installments of principal and maximum interest rate of the proposed refunding bonds, shall state the approximate irrigable acreage in the district and the probable approximate aggregate annual income therefrom during the life of the proposed refunding bonds, shall recite that the required consent of the (~~(holders)~~) owners of the bonds to be refunded has been obtained and shall state such other matter, if any, the said board of directors may deem pertinent to the proceedings, shall pray for the determination of the irrigable acreage and of the maximum benefits aforesaid and shall be signed and verified by the president of the said board of directors.

Sec. 231. Section 19, chapter 120, Laws of 1929 and RCW 87.22.145 are each amended to read as follows:

Refunding bonds provided for under this chapter may be exchanged for any or all of the bonds to be refunded on such basis as may be agreed upon between the board of directors of the district and the (~~(bondholders)~~) bond owners: PROVIDED, That said refunding bonds shall not be issued in a greater sum than the total aggregate face value of the bonds to be refunded.

Sec. 232. Section 20, chapter 120, Laws of 1929 as last amended by section 97, chapter 56, Laws of 1970 ex. sess. and RCW 87.22.150 are each amended to read as follows:

(1) Said refunding bonds shall be issued in such denominations as the board shall determine, but in the same denominations so far as practicable as the bonds to be refunded and shall mature at the date specified in the notice of election but not in any event later than thirty years from the date thereof, and shall be payable in minimum annual installments specified on a percentage basis and amortized to provide for full payment of the bonds with interest at maturity: PROVIDED, That in lieu of the annual payments of principal and semiannual payments of interest as provided in this chapter, the court may prescribe the form, manner of payment, and interest rate

or rates of the refunding bonds, in the decree determining maximum benefits and irrigable acreage; and said decree may grant the district the right to pay at the date of any annual or semiannual payment, one or more next accruing annual or semiannual installments less the interest on that part of the principal thus paid in advance: AND PROVIDED, In all cases in which the court determines the form, manner of payment, and interest rate of the refunding bonds in the decree determining maximum benefits, all notices provided in this chapter and any other provision thereof, shall be given and construed in conformity with the terms and conditions of said bond prescribed in said decree. Such bonds may be in any registered form as provided for in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued in any registered form and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 233. Section 24, chapter 120, Laws of 1929 and RCW 87.22.175 are each amended to read as follows:

Said bonds (~~(shall provide for registration as to both principal and interest in the county treasurer's office at which they are payable,)~~) shall be signed by the president of the board and secretary of the district and the seal of the district shall be impressed thereon. The term "registration book" as used in chapter 87.22 RCW shall constitute the method of registration adopted in conformance with section 3 of this 1983 act.

Sec. 234. Section 26, chapter 120, Laws of 1929 and RCW 87.22.190 are each amended to read as follows:

Said bonds shall be transferable only on the registration book (~~(of the county treasurer's office at which the same are payable)~~) and any attempted transfer of said bonds not recorded in said registration book shall be void so far as the rights of the district are concerned.

Sec. 235. Section 37, chapter 120, Laws of 1929 as amended by section 7, chapter 42, Laws of 1931 and RCW 87.22.275 are each amended to read as follows:

Except as herein otherwise specifically provided, refunding bonds, authorized, issued and disposed of under the provisions of this chapter shall entitle the (~~(holders and)~~) owners thereof to the same rights and privileges, shall constitute a lien on the same property and shall be paid in the same manner as the original bonds refunded by said bond issue, and said refunding bonds shall be retired by the exaction of annual assessments levied against all the lands in the district: PROVIDED, HOWEVER, That any lands in the district against which no benefits are determined by the decree determining maximum benefits may be excluded from the district in the same manner in which lands may now be excluded from the districts against which there are no bond issues, and said lands so excluded shall be forever free of the liens of said refunding bonds; AND PROVIDED FURTHER,

That no assessments against any tract of land shall exceed the amount specified under RCW 87.22.230.

Sec. 236. Section 18, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.015 are each amended to read as follows:

Irrigation districts may also issue interest bearing warrants to provide interim financing pending the issuance of district revenue bonds. The items, form and content, and the manner of the issuance and sale of such interest bearing warrants as well as any covenants for the redemption of such warrants shall be established by resolution of the district's board of directors. Such warrants may be in any form, including bearer warrants or registered warrants as provided in section 3 of this 1983 act. Such warrants may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 237. Section 2, chapter 57, Laws of 1949 as last amended by section 9, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.020 are each amended to read as follows:

(1) Said bonds shall be in such form as the board of directors shall determine; shall be in bearer form or registered as to principal or interest or both as provided in section 3 of this 1983 act, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear such date and shall be payable at such time or times up to a maximum of not to exceed forty years as shall be determined by the board of directors; shall bear interest at such rate or rates, payable at such time or times as authorized by the board of directors; shall be payable at the office of the county treasurer of the county in which the principal office of the district is located or at such other place as the board of directors shall provide and specify in the bonds; shall be executed by the president of the board of directors and attested and sealed by the secretary thereof and may have facsimile signatures of the president and secretary imprinted on ((the)) any interest coupons in lieu of original signatures and the facsimile seal of the district and the facsimile signature of either the president or the secretary on the bonds in lieu of a manual signature. Said bonds may provide that the same or any part thereof at the option of the board of directors may be redeemed in advance of maturity on any interest payment date upon the terms and conditions established by the board, may include in the amount of the issue funds for the purpose of paying interest on the bonds during the period of construction of the facility being financed by the proceeds of the bonds, and may include in the amount of the issue funds for the purpose of establishing, maintaining, or increasing reserves in the manner, for the purposes, and subject to the restrictions set forth in RCW 39.44.140.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 238. Section 5, chapter 57, Laws of 1949 as amended by section 12, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.040 are each amended to read as follows:

Any such bonds, and interest thereon, issued against a special fund as herein provided shall be a valid claim of the ~~((holder))~~ owner thereof only as against said special fund or funds and its fixed proportion or amount of the revenue pledged to such fund or funds and shall not constitute a general indebtedness against the issuing irrigation district. Each such bond shall state upon its face that it is payable from a special fund or funds only, naming the special fund or funds and the resolution creating the fund or funds.

Sec. 239. Section 6, chapter 57, Laws of 1949 as last amended by section 100, chapter 56, Laws of 1970 ex. sess. and RCW 87.28.070 are each amended to read as follows:

(1) Such revenue bonds shall be sold in such manner as the board of directors shall deem for the best interests of the irrigation district, either at public or at private sale and at any price and at any rate or rates of interest, but if the board of directors shall dispose of said bonds in exchange for construction of improvements or for materials, such bonds shall not be disposed of for less than par for value received by the district.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 240. Section 8, chapter 57, Laws of 1949 as amended by section 13, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.100 are each amended to read as follows:

When a special fund has been created and bonds have been issued as herein provided, the fixed proportion or amount of the revenues pledged to the payment of the bonds and interest shall be set aside and paid into the special fund monthly as collected, as provided in the resolution creating the fund, and in case any irrigation district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the ~~((holder))~~ owner of any bond against the special fund may bring appropriate court action against the district and compel such setting aside and payment.

Sec. 241. Section 11, chapter 57, Laws of 1949 and RCW 87.28.110 are each amended to read as follows:

Said county treasurer shall have authority to pay said bonds and any appurtenant coupons in accordance with their terms from any moneys on hand in said special fund and when said bonds with interest have been fully paid, any moneys remaining in the fund shall be transferred to the expense fund of the district and the special fund closed.

Sec. 242. Section 22, chapter 185, Laws of 1979 ex. sess. and RCW 87.28.150 are each amended to read as follows:



The board of directors of any irrigation district may, by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding revenue bonds to refund one or more of the following: Outstanding assessment bonds, revenue bonds, contracts with the United States or state of Washington, or any part thereof, and all outstanding local improvement district bonds, at maturity thereof, or before maturity thereof if they are subject to call for prior redemption or if all of the ~~((holders))~~ owners thereof consent thereto. The refunding bonds shall be issued in the manner and for the purposes set forth in chapter 39.53 RCW.

Whenever district bonds or contracts payable in whole or part from assessments have been refunded pursuant to this section, all 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 balances, if any, in the reserve or guaranty funds for such refunded bonds and the proceeds received from any other assets owned by such funds shall be used in whole or in part as a reserve or guaranty 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 directors 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.

Sec. 243. Section 2, chapter 121, Laws of 1929 as amended by section 1, chapter 39, Laws of 1941 and RCW 87.64.010 are each amended to read as follows:

Whenever the state shall now or hereafter own, the entire issue of the bonds of any irrigation, diking or drainage district, and in the judgment of the director of ~~((conservation and development))~~ ecology such district is, or will be, unable to meet its obligations to the state as they mature, and in the judgment of the director of ~~((conservation and development))~~ ecology the investment of the state can be made more secure by extending, without refunding, the time of payment of any or all said bonds and ~~((for appurtenant))~~ interest ~~((coupons))~~ payments, or by the exchange of the bonds held by the state for refunding bonds of such district issued as in the manner provided by law at the same or a lower rate of interest and/or for a longer term, or by the cancellation of a portion of the bonds held by the state and/or interest accrued thereon, and the exchange of the remaining bonds held by the state for the refunding bonds of the district issued in the manner provided by law at the same or a lower rate of interest and/or for the same or a longer term, the director of ~~((conservation and development))~~ ecology shall be and is hereby authorized and empowered to enter into contract with the district so extending the time of payment of said bonds and ~~((for appurtenant))~~ interest ~~((coupons))~~ payments, without refunding or to so exchange the bonds held by the state for such refunding bonds or to cancel a portion

of the bonds held by the state and/or interest accrued thereon, and exchange the remaining bonds held by the state for such refunding bonds as in his judgment will be for the best interest of the state.

Sec. 244. Section 3, chapter 121, Laws of 1929 as last amended by section 3, chapter 39, Laws of 1941 and RCW 87.64.020 are each amended to read as follows:

Whenever the state shall, now or hereafter, own a portion of the bonds of any irrigation, diking or drainage district, and in the judgment of the director of ~~((conservation and development))~~ ecology such district is, or will be, unable to meet its obligations as they mature, and in the judgment of the director of ~~((conservation and development))~~ ecology the investment of the state can be made more secure by extending, without refunding, the time of payment of any or all said bonds and ~~((for appurtenant))~~ interest ~~((coupons))~~ payments or by exchanging the bonds held by the state for the refunding bonds of the district issued in the manner provided by law at the same or a lower rate of interest and/or for a longer term, or by the cancellation of a portion of the bonds held by the state and/or interest accrued thereon, and the exchange of the remaining bonds held by the state for the refunding bonds of the district issued in the manner provided by law at the same or a lower rate of interest and/or for a longer term, the director of ~~((conservation and development))~~ ecology shall be and is hereby authorized and empowered to enter into contract with the district so extending the time of payment of said bonds and ~~((for appurtenant))~~ interest ~~((coupons))~~ payments, without refunding, or to so exchange the bonds held by the state for such refunding bonds or to cancel a portion of the bonds held by the state and/or interest accrued thereon, and exchange the remaining bonds held by the state for such refunding bonds as in his judgment will be for the best interest of the state: PROVIDED, That the ~~((holders))~~ owners of at least ninety percent of all the other bonds of said district shall make and execute the same arrangement with the district: AND PROVIDED FURTHER, That when, in addition to owning a portion of the first issue of bonds of any such irrigation, diking or drainage district, the state also owns all the outstanding second issue of bonds of such district, the director of ~~((conservation and development))~~ ecology shall be and he is hereby authorized and empowered to surrender and cancel said second issue of bonds held by the state upon whatsoever terms and conditions he shall deem to the best interest of the state: AND PROVIDED FURTHER, That whenever ~~((those holding))~~ the owners of at least ninety percent of all other bonds of such district and/or other evidences of indebtedness are willing to release their existing obligations against said district and to substitute therefor a contract to pay such existing indebtedness in whole or in part from the proceeds of the sale of lands owned by the district at the time of such settlement, or acquired by the district through levies then existing, the director of ~~((conservation and development))~~ ecology shall be and he is hereby authorized

and empowered to cancel the bonds held by the state upon whatsoever terms that he shall deem most beneficial for the state, or if deemed beneficial to the state, he may release the state's bonds and join with the other holders in the above mentioned contract for the sale of the district land as hereinbefore stated: **AND PROVIDED FURTHER**, That the director of ~~((conservation and development))~~ ecology be and he is hereby authorized to accept in any settlement made under this chapter, refunding bonds of any irrigation district that may be issued in accordance with chapter ~~((120 of the Session Laws of 1929 of the state of Washington [chapter 87.22 RCW]))~~ 87.22 RCW, or any amendment thereto, and he is hereby authorized, when in his judgment it is to the interest of the state, to participate in the refunding of bonds of an irrigation district held under said chapter ~~((120))~~ 87.22 RCW, or any amendment thereto.

Sec. 245. Section 10, chapter 236, Laws of 1907 as last amended by section 101, chapter 56, Laws of 1970 ex. sess. and RCW 88.32.140 are each amended to read as follows:

(1) In all cases, the county, as the agent of the local improvement district, shall, by resolution of its ~~((board of))~~ county ~~((commissioners))~~ legislative authority, cause to be issued in the name of the county, the bonds for such local improvement district for the whole estimated cost of such improvement, less such amounts as shall have been paid within the thirty days provided for redemption, as hereinabove specified. Such bonds shall be called "Local Improvement Bonds, District No. . . . ., County of . . . . ., State of Washington", and shall be payable not more than ten years after date, and shall be subject to annual call by the county treasurer, in such manner and amounts as he may have cash on hand to pay the same in the respective local improvement fund from which such bonds are payable, interest to be paid at the office of the county treasurer. Such bonds shall be issued and delivered to the contractor for the work from month to month in such amounts as the engineer of the government, in charge of the improvement, shall certify to be due on account of work performed, or, if said ~~((board of))~~ county ~~((commissioners))~~ legislative authority resolves so to do, such bonds may be offered for sale after thirty days public notice thereof given, to be delivered to the highest bidder therefor, but in no case shall such bonds be sold for less than par, the proceeds to be applied in payment for such improvement: **PROVIDED**, That unless the contractor for the work shall agree to take such bonds in payment for his work at par, such work shall not be begun until the bonds shall have been sold and the proceeds shall have been paid into a fund to be called "Local Improvement Fund No. . . . ., County of . . . . .", and the ~~((holder))~~ owner or ~~((holders))~~ owners of such bonds shall look only to such fund for the payment of either the principal or interest of such bonds.

Such bonds shall be issued in denominations of one hundred dollars each, and shall be substantially in the following form:

"Local Improvement Bond, District Number . . . . . of the County of . . . . ., State of Washington.

No. . . . . N.B. . . . .

\$. . . . .

This bond is not a general debt of the county of . . . . . and has not been authorized by the voters of said county as a part of its general indebtedness. It is issued in pursuance of an act of the legislature of the state of Washington, passed the . . . . . day of . . . . . A.D. 1907, and is a charge against the fund herein specified and its issuance and sale is authorized by the resolution of the ((~~board of~~)) county ((~~commissioners~~)) legislative authority, passed on the . . . . . day of . . . . . A.D. 1907. The county of . . . . ., a municipal corporation of the state of Washington, hereby promises to pay to . . . . ., or bearer, one hundred dollars, lawful money of the United States of America, out of the fund established by resolution of the ((~~board of~~)) county ((~~commissioners~~)) legislative authority on the . . . . . day of . . . . ., A.D. 19.., and known as local improvement fund district number . . . . . of . . . . . county, and not otherwise.

"This bond is payable ten years after date, and is subject to annual call by the county treasurer at the expiration of any year before maturity in such manner and amounts as he may have cash on hand to pay the same in the said fund from which the same is payable, and shall bear interest at the rate of . . . . . percent per annum, payable semiannually; both principal and interest payable at the office of the county treasurer. (~~A coupon is hereto attached for each installment of interest to accrue thereon, and said interest shall be paid only on presentation and surrender of such coupon to the county treasurer, but in case this bond is called for payment before maturity each and every coupon representing interest not accrued at the expiration of the call shall be void:)~~) The ((~~board of~~)) county ((~~commissioners~~)) legislative authority of said county, as the agent of said local improvement district No. . . . ., established by resolution No. . . . ., has caused this bond to be issued in the name of said county, as the bond of said local improvement district, the proceeds thereof to be applied in part payment of so much of the cost of the improvement of the rivers, lakes, canals or harbors of . . . . . county, under resolution No. . . . ., as is to be borne by the owners of property in said local improvement district, and the said local improvement fund, district No. . . . . of . . . . . county, has been established by resolution for said purpose; and the ((~~holder or holders~~)) owner or owners of this bond shall look only to said fund for the payment of either the principal or interest of this bond.

"The call for the payment of this bond or any bond, issued on account of said improvement, may be made by the county treasurer by publishing the same in an official newspaper of the county for ten consecutive issues, beginning not more than twenty days before the expiration of any year from

date hereof, and if such call be made, interest on this bond shall cease at the date named in such call.

"This bond is one of a series of ..... bonds, aggregating in all the principal sum of ..... dollars, issued for said local improvement district, all of which bonds are subject to the same terms and conditions as herein expressed.

"In witness whereof the said county of ..... has caused these presents to be signed by its chairman of its ((board-of)) county ((commissioners)) legislative authority, and countersigned by its county auditor and sealed with its corporate seal, attested by its county clerk, this ..... day of ....., in the year of our Lord one thousand nine hundred and .....

The County of .....  
By .....  
Chairman ((Board-of)) County ((Commissioners))  
Legislative Authority.

Countersigned, ..... County Auditor.

Attest, ..... Clerk."

~~((There shall be attached to each bond such number of coupons, not exceeding twenty, as shall be required to represent the interest thereon, payable semiannually, for the term of said bonds, which coupon shall be substantially in the following form:~~

~~"Number ..... \$.....~~

~~On the ..... day of ..... 19.., the county of ....., Washington, promises to pay to the bearer at the office of its county treasurer ..... dollars, being one-half year's interest due that day on Bond No. .... of the bonds of 'local improvement district No. ....,' the same being payable only from the fund of said district known as 'Local Improvement Fund, District No. .... of ..... county,' and not otherwise: PROVIDED, That this coupon is subject to all the terms and conditions contained in the bond to which it is annexed, and if said bond be called for payment before maturity hereof, then this coupon shall be void:~~

~~.....  
County Auditor."))~~

The bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 246. Section 11, chapter 236, Laws of 1907 and RCW 88.32.160 are each amended to read as follows:

Each and every bond issued for any such improvement shall be signed by the chairman of the ((board-of)) county ((commissioners)) legislative

authority and the county auditor, sealed with the corporate seal of the county, and attested by the county clerk. (~~Each of such coupons shall bear the signature of the county auditor.~~) The bonds issued for each local improvement district shall be in the aggregate for such an amount as authorized by the resolution of the (~~board of~~) county (~~commissioners~~) legislative authority with reference to such river, lake, canal or harbor improvement, and each issue of such bonds shall be numbered consecutively, beginning with number 1. (~~The county auditor shall keep in his office a register of all such bonds, in which he shall enter the local improvement district, for which the same are issued, and the number and total amount of each bond, and the term of payment.~~)

Sec. 247. Section 12, chapter 236, Laws of 1907 and RCW 88.32.170 are each amended to read as follows:

The owner of any lot or parcel of land charged with any assessment as provided for hereinabove, may redeem the same from all liability by paying the entire assessment charged against such lot or parcel of land, or part thereof, without interest, within thirty days after notice to him of such assessment, as herein provided, or may redeem the same at any time after the bonds above specified shall have been issued, by paying the full amount of all the principal and interest to the end of the interest year then expiring, or next to expire. The county treasurer shall pay the interest on the bonds authorized to be issued under RCW 88.32.010 through 88.32.220 out of the respective local improvement funds from which they are payable, and whenever there shall be sufficient money in any local improvement fund, against which bonds have been issued under the provisions of RCW 88.32.010 through 88.32.220, over and above the amount necessary for the payment of interest on all unpaid bonds, and sufficient to pay the principal of one or more bonds, the county treasurer shall call in and pay such bonds, provided that such bonds shall be called in and paid in their numerical order: PROVIDED, FURTHER, That such call shall be made by publication in the county official newspaper, on the day following the delinquency of the installment of the assessment, or as soon thereafter as practicable, and shall state that bonds numbers . . . . . (giving the serial number or numbers of the bonds called), will be paid on the day the (~~proper~~) interest (~~coupon~~) payment on said bonds shall become due, and interest upon such bonds shall cease upon such date. If the county shall fail, neglect or refuse to pay said bonds or promptly to collect any of said assessments when due, the owner of any such bonds may proceed in his own name to collect such assessment and foreclose the lien thereof in any court of competent jurisdiction, and shall recover in addition to the amount of such bonds and interest thereon, five percent, together with the costs of such suit. Any number of (~~holders~~) owners of such bonds for any single improvement, may join as plaintiffs and any number of owners of the property on which the same are a lien may be joined as defendants in such suit.

Sec. 248. Section 5, chapter 158, Laws of 1919 as last amended by section 93, chapter 75, Laws of 1977 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 reloading 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)) legislative authority 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.

Sec. 249. Section 109, chapter 254, Laws of 1927 and RCW 89.30.325 are each amended to read as follows:

Said county treasurer shall pay out the moneys received or deposited with him or any portion thereof 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 the coupons or)) for principal and interest payments on bonds ((presented to such treasurer)).

Sec. 250. Section 138, chapter 254, Laws of 1927 and RCW 89.30.412 are each amended to read as follows:

The reclamation district board shall have authority to evidence district indebtedness by the issuance and sale of negotiable general obligation bonds of the district. Such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 251. Section 139, chapter 254, Laws of 1927 and RCW 89.30.415 are each amended to read as follows:

Said bonds shall be in such denominations as the board shall determine, shall be serial in form with maturities providing a definite schedule of amortization and shall be payable at such place as shall be designated thereon: PROVIDED, That such bonds may also be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 252. Section 140, chapter 254, Laws of 1927 as last amended by section 102, chapter 56, Laws of 1970 ex. sess. and RCW 89.30.418 are each amended to read as follows:

Said bonds shall bear the date of their issue, shall be ((made payable to bearer)) in any form, including bearer or registered as provided in section 3 of this 1983 act, with interest at a rate or rates as authorized by the reclamation district board, payable semiannually on the first day of January and of July in each year ((; with coupons attached, for each interest payment)); PROVIDED, That such bonds may also be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 253. Section 141, chapter 254, Laws of 1927 and RCW 89.30.421 are each amended to read as follows:

(1) Said bonds shall be signed by the president of the district board and shall be attested by the secretary and the seal of the district affixed to each bond but not to ~~((the))~~ any coupons. ~~((The))~~ Any coupons shall be signed by the same officers but the signature on ~~((the))~~ any coupons may appear by lithographic facsimile.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 254. Section 143, chapter 254, Laws of 1927 as amended by section 15, chapter 149, Laws of 1933 and RCW 89.30.427 are each amended to read as follows:

(1) In any instance where the district, general improvement or divisional district is selling, renting or leasing water or electric energy under the provisions of this chapter and there is reasonable certainty of a permanent fixed income from this source. the district board shall have authority to create a special fund derived from a fixed proportion of the gross income thus obtained and to issue bonds of the district payable from such special fund and to sell the same to raise revenue for the payment or amortization of the cost of the construction and/or the operation and maintenance of the reclamation district or general improvement or divisional district works and for such other purposes as the state of Washington and/or the United States may require: PROVIDED, That the state of Washington may, through the director of ~~((conservation and development))~~ ecology, enter into a contract with the reclamation district, improvement or divisional district or districts or the United States to purchase, rent or lease and to sell or resell and/or distribute all or any part of the electric energy developed or to be developed at the reclamation, improvement or divisional district works at a price sufficient to amortize the cost of power development over a period of fifty years after the completion of such power development and to provide a surplus sufficient to reduce the cost of reclaiming the lands of the district or districts within economic limits: AND PROVIDED FURTHER, That no contract or contracts as in this section provided shall be finally consummated or become binding in any way whatsoever until the legislature of the state of Washington in special or regular session shall approve the same, and provided further in such sale and/or distribution of power by the director of ~~((conservation and development))~~ ecology preference in the purchase and/or distribution thereof shall be given to municipal corporations and cooperative associations: AND PROVIDED FURTHER, That general improvement and divisional districts shall have (in addition to the powers granted them in chapter 254 of the Session Laws of 1927 and in this act) the same powers as are given to the reclamation districts under RCW 89.30.007.

(2) Such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 255. Section 145, chapter 254, Laws of 1927 as last amended by section 33, chapter 156, Laws of 1981 and RCW 89.30.433 are each amended to read as follows:

Said bonds shall mature in series amortized in a definite schedule during a period not to exceed sixty years from the date of their issuance, shall be in such denominations and form including bearer bonds or registered bonds as provided in section 3 of this 1983 act, and shall be payable, with annual or semiannual interest at a rate or rates the board shall provide; PROVIDED, That such bonds may also be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 256. Section 173, chapter 254, Laws of 1927 and RCW 89.30.517 are each amended to read as follows:

(1) For the purpose of furthering or carrying out any of the objects for which a general improvement or divisional district was organized, for the purpose of raising additional moneys for that purpose or for refunding outstanding improvement or divisional district bonds, the district board shall have authority to issue and sell ~~((the))~~ negotiable ~~((coupon))~~ bonds ~~((of the district))~~ in such amounts as shall be approved by the electors of the general improvement or divisional district at an election called for that purpose, as herein provided.

(2) Notwithstanding the provisions of RCW 89.30.520 through 89.30.568, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 257. Section 174, chapter 254, Laws of 1927 as last amended by section 103, chapter 56, Laws of 1970 ex. sess. and RCW 89.30.520 are each amended to read as follows:

(1) Bonds issued under the provisions of this chapter shall be negotiable, serial bonds, in such series, maturities and denominations as the board shall determine, payable in legal currency of the United States, at such place as the board shall provide, from funds derived from the levy and collection of special assessments against the benefited lands within the operation of the general improvement or divisional district and shall draw interest at a rate or rates as the board shall authorize. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 258. Section 182, chapter 254, Laws of 1927 and RCW 89.30.544 are each amended to read as follows:

The reclamation district board shall tabulate said abstracts of election returns and if it appears that a majority of the votes cast at any such election are in favor of the proposition submitted at said election, the board shall so declare and enter a resolution authorizing the issuance of bonds in the amounts and maturities and for the objects proposed. Such bonds may be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 259. Section 183, chapter 254, Laws of 1927 and RCW 89.30.547 are each amended to read as follows:

(1) General improvement or divisional district bonds issued under the provisions of this chapter shall not be sold for less than ninety percent of their par value, and refunding bonds shall not be sold or exchanged for less than their par value.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 260. Section 186, chapter 254, Laws of 1927 and RCW 89.30.556 are each amended to read as follows:

(1) All general improvement or divisional district bonds issued under the provisions of this chapter shall be negotiable in form, shall be signed by the president of the reclamation district board and secretary of said district and shall have the seal of the district impressed thereon.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 261. Section 206, chapter 254, Laws of 1927 and RCW 89.30.616 are each amended to read as follows:

Assessments against lands in any general improvement or divisional district authorized under this chapter, when collected by the county treasurer shall constitute a special fund or funds as the case may be, to be called respectively, the "bond fund of general improvement or divisional district No. . . . .", the "contract fund of general improvement or divisional district No. . . . .", the "~~((coupon))~~ warrant fund of general improvement or divisional district No. . . . .", and any other special fund authorized by law.

Sec. 262. Section 260, chapter 254, Laws of 1927 and RCW 89.30.778 are each amended to read as follows:

Said board in such event may provide for the payment of said indebtedness by the issue and sale of ~~((coupon))~~ notes of the district to an amount equal to said authorized indebtedness which ~~((coupon))~~ notes shall be payable in such equal installments, not exceeding three in number, as the board shall direct. Such notes may be in any form, including bearer notes or registered notes as provided in section 3 of this 1983 act. Such notes may be

issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 263. Section 261, chapter 254, Laws of 1927 and RCW 89.30.781 are each amended to read as follows:

Said (~~coupon~~) notes shall be payable exclusively by assessments levied at the time of the regular annual levy each year thereafter until fully paid. All the lands within the general improvement district or divisional district as the case may be, shall be and remain liable to an annual assessment for the payment of said (~~coupon~~) notes with interest until fully paid.

Sec. 264. Section 262, chapter 254, Laws of 1927 and RCW 89.30.784 are each amended to read as follows:

~~((Coupon))~~ (1) Notes issued under the provisions of this chapter shall bear interest at a rate ((not to exceed seven percent per annum)) or rates authorized by the district board, payable semiannually.

(2) Notwithstanding subsection (1) of this section, such notes may be issued in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 265. Section 45, chapter 23, Laws of 1911 and RCW 91.08.465 are each amended to read as follows:

Should the owners of any lands assessed to pay for an improvement contemplated by this chapter, fail to pay the assessments thereon in full on or before the day fixed by the treasurer's notice as the time for payment without interest, the board shall provide and issue bonds of the district to the total amount of the unpaid assessments, which bonds may either be issued to persons contracting to perform the work of making the improvement, or exchange with them for warrants; or be issued in exchange for work or materials; or they may be sold outright as hereinafter provided. Such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 266. Section 46, chapter 23, Laws of 1911 as last amended by section 105, chapter 56, Laws of 1970 ex. sess. and RCW 91.08.480 are each amended to read as follows:

(1) Such bonds shall be issued pursuant to an order made by the board and by their terms shall be made payable on or before a date not to exceed ten years from and after the date of their issue, which latter date shall also be fixed by such order. They shall bear interest at the rate or rates as authorized by the board, which interest shall be payable semiannually at periods named; ((shall have attached thereto interest coupons for each interest payment;)) shall be of such denomination as shall be provided in the order directing the issue, but not less than one hundred dollars nor more than one thousand dollars; shall be numbered from one upward consecutively and each bond shall be signed by the president of the board and attested by its clerk: PROVIDED, HOWEVER, That ((said)) any coupons may, in lieu of

being so signed, have printed thereon facsimile signatures of said officers. Each bond shall in the body thereof refer to the improvement to pay for which the same is issued; shall provide that the principal sum therein named and the interest thereon shall be payable out of the fund created for the payment of the cost and expense of said improvement, and not otherwise; and shall not be issued in an amount which, together with the assessments already paid, will exceed the cost and expense of the said condemnation and improvement. Such bonds may be in any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 267. Section 47, chapter 23, Laws of 1911 and RCW 91.08.485 are each amended to read as follows:

(1) Said bonds, whether sold or exchanged, shall be disposed of for not less than their par value and accrued interest.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 268. Section 48, chapter 23, Laws of 1911 and RCW 91.08.490 are each amended to read as follows:

(1) Before making any sale of such bonds the board shall advertise the sale and invite sealed bids therefor, by publication in the county official newspaper at least once, and in such other manner as it sees fit, for a period of thirty days. At the time and place fixed for receiving bids the board shall open all bids presented and may either award the bonds to the highest bidder or reject all bids. Delivery of the bonds and payment therefor may be as required by the board. The purchaser of any such bonds shall pay the money due therefor to the county treasurer, who shall place it in the district fund.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 269. Section 50, chapter 23, Laws of 1911 and RCW 91.08.510 are each amended to read as follows:

~~((Neither))~~ The ((holder nor)) owner of any bond issued under authority of this chapter shall not have any claim therefor against any person, body or corporation, except from the special assessment made for the improvement for which such bond was issued; but his remedy in case of nonpayment shall be confined to the enforcement of such assessment. A copy of this section shall be plainly written, printed or engraved on each bond so issued.

NEW SECTION. Sec. 270. The following acts or parts of acts are each repealed:

- (1) Section 35.41.040, chapter 7, Laws of 1965 and RCW 35.41.040;
- (2) Section 36.67.080, chapter 4, Laws of 1963 and RCW 36.67.080;
- (3) Section 5, chapter 170, Laws of 1895 and RCW 39.52.040;
- (4) Section 1, chapter 218, Laws of 1941 and RCW 53.39.010;
- (5) Section 2, chapter 218, Laws of 1941 and RCW 53.39.020;
- (6) Section 3, chapter 218, Laws of 1941, section 82, chapter 232, Laws of 1969 ex. sess., section 72, chapter 56, Laws of 1970 ex. sess. and RCW 53.39.030;
- (7) Section 4, chapter 218, Laws of 1941 and RCW 53.39.040;
- (8) Section 5, chapter 218, Laws of 1941, section 1, chapter 33, Laws of 1943, section 1, chapter 62, Laws of 1947 and RCW 53.39.050;
- (9) Section 2, chapter 33, Laws of 1943 and RCW 53.39.060;
- (10) Section 6, chapter 218, Laws of 1941, section 3, chapter 33, Laws of 1943 and RCW 53.39.070;
- (11) Section 7, chapter 218, Laws of 1941, section 4, chapter 33, Laws of 1943 and RCW 53.39.080;
- (12) Section 8, chapter 218, Laws of 1941 and RCW 53.39.900;
- (13) Section 5, chapter 33, Laws of 1943 and RCW 53.39.910;
- (14) Section 6, chapter 33, Laws of 1943 and RCW 53.39.920;
- (15) Section 9, chapter 218, Laws of 1941 and RCW 53.39.930;
- (16) Section 35, chapter 117, Laws of 1895 and RCW 85.05.350;
- (17) Section 32, chapter 115, Laws of 1895 and RCW 85.06.320;
- (18) Section 3, chapter 103, Laws of 1935 and RCW 85.07.080;
- (19) Section 7, chapter 161, Laws of 1923 and RCW 87.19.070;
- (20) Section 25, chapter 120, Laws of 1929 and RCW 87.22.180;
- (21) Section 27, chapter 120, Laws of 1929 and RCW 87.22.195;
- (22) Section 10, chapter 57, Laws of 1949 and RCW 87.28.105;
- (23) Section 187, chapter 254, Laws of 1927 and RCW 89.30.559; and
- (24) Section 188, chapter 254, Laws of 1927 and RCW 89.30.562.

Sec. 271. Section 13, chapter 218, Laws of 1963 as last amended by section 83, chapter ... (SHB 390), Laws of 1983 and RCW 36.68.520 are each amended to read as follows:

(1) A park and recreation service area shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the service area in the manner prescribed by section 2, Article VII of the Constitution and by RCW 84.52.052.

The special voted levy may be either for operating fund or for capital outlay, or for a cumulative reserve fund.

(2) A service area 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 the district, and may provide for the retirement thereof by levies in excess of dollar rate in accordance with the provisions of Article VII, section 2 of the Constitution and RCW 84.52.056:

PROVIDED, That such districts may issue general obligation bonds equal to two and one-half percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by the voters of the district at a special election called for the purpose in accordance with the provisions of Article VIII, section 6 of the state Constitution. Such bonds may be in any form, including coupon bonds or registered bonds as provided in section 3 of this 1983 act.

(3) Notwithstanding subsection (2) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

Sec. 272. Section 18, chapter 210, Laws of 1941 as last amended by section 155, chapter ... (SHB 390), Laws of 1983 and RCW 56.16.040 are each amended to read as follows:

(1) Whenever any such sewer district shall hereafter adopt a plan for a sewer system as herein provided, or any additions and betterments thereto, or whenever any reorganized sewer district shall hereafter adopt a plan for any additions or betterments thereto, and the qualified voters of any such sewer district or reorganized sewer district shall hereafter authorize both bond retirement property tax levies and a general indebtedness for all the said plan, or any part thereof, or any additions and betterments thereto or for refunding in whole or in part bonds theretofore issued, general obligation bonds for the payment thereof may be issued ((as hereinafter provided)). The authorizations for the general obligation bonds and the bond retirement levies shall be as provided in Article VIII, section 6 and Article VII, section 2(b) of the state Constitution and RCW 84.52.056. Such authorizations may be presented to the voters in a single proposition.

The bonds shall be serial in form and maturity and numbered from one up consecutively. The bonds shall bear interest at such rate or rates as authorized by the board of sewer commissioners, payable semiannually from date of said bonds until principal thereof is paid. The various annual maturities shall commence with the second year after the date of issue of the bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of said bonds and interest: PROVIDED, That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars. Such bonds may be of any form, including bearer bonds or registered bonds as provided in section 3 of this 1983 act.

The general obligation bonds shall never be issued to run for a longer period than thirty years from the date of the issue and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds.

The bonds shall be signed by the presiding officer of the board of sewer commissioners and shall be attested by the secretary of such board under



the seal of the sewer district, and any interest coupons shall be signed by the facsimile signature of the presiding officer of the board of sewer commissioners and shall be attested by the facsimile signature of the secretary of such board.

~~((There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such sewer district.))~~

Said bonds shall be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district, and at a price not less than par and accrued interest.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter ... RCW (sections 1 through 8 of this 1983 act).

NEW SECTION. Sec. 273. 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. 274. 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 sections 271 and 272 shall take effect July 1, 1985.

Passed the House April 22, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 16, 1983, with the exception of section 52 which was vetoed.

Filed in Office of Secretary of State May 16, 1983.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 52, Substitute House Bill No. 390, entitled:

"AN ACT Relating to government borrowing."

Section 52 of this bill would duplicate section 1 of Substitute House Bill No. 189, which I already have signed.

With the exception of section 52, which I have vetoed, Substitute House Bill No. 390 is approved."

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## CHAPTER 168

[Substitute House Bill No. 359]

### HEALTH PROFESSIONS—LICENSURE—REGULATION

AN ACT Relating to the regulation of health professions and occupations licensure; amending section 13, chapter 144, Laws of 1919 as last amended by section 8, chapter 277, Laws of

1981 and RCW 18.53.050; amending section 14, chapter 25, Laws of 1963 as last amended by section 50, chapter 158, Laws of 1979 and RCW 18.54.140; amending section 21, chapter 70, Laws of 1965 as last amended by section 48, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.83.051; adding a new chapter to Title 18 RCW; adding a new section to chapter 18.29 RCW; adding new sections to chapter 43.24 RCW; adding a new section to chapter 46.01 RCW; creating new sections; repealing section 13, chapter 43, Laws of 1957 and RCW 18.34.130; repealing section 10, chapter 2, Laws of 1983 and RCW 43.24.085; repealing section 29, chapter 16, Laws of 1923, section 2, chapter 47, Laws of 1969, section 31, chapter 158, Laws of 1979 and RCW 18.29.030; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. (1) The purpose of this chapter is to establish guidelines for the regulation of health professions not licensed or regulated prior to the effective date of this act and those licensed or regulated health professions which seek to substantially increase their scope of practice: PROVIDED, That the provisions of this chapter are not intended and shall not be construed to: (a) Apply to any regulatory entity created prior to the effective date of this act except as provided in this chapter; (b) affect the powers and responsibilities of the superintendent of public instruction or state board of education under RCW 28A.04.120 and 28A.70.005; (c) apply to or interfere in any way with the practice of religion or to any kind of treatment by prayer; and (d) apply to any remedial or technical amendments to any statutes which licensed or regulated activity before the effective date of this act. The legislature believes that all individuals should be permitted to enter into a health profession unless there is an overwhelming need for the state to protect the interests of the public by restricting entry into the profession. Where such a need is identified, the regulation adopted by the state should be set at the least restrictive level consistent with the public interest to be protected.

(2) It is the intent of this chapter that no regulation shall, after the effective date of this act, be imposed upon any health profession except for the exclusive purpose of protecting the public interest. All bills introduced in the legislature to regulate a health profession for the first time should be reviewed according to the following criteria. A health profession should be regulated by the state only when:

(a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and

(c) The public cannot be effectively protected by other means in a more cost-beneficial manner.

(3) After evaluating the criteria in subsection (2) of this section and considering governmental and societal costs and benefits, if the legislature

finds that it is necessary to regulate a health profession not previously regulated by law, the least restrictive alternative method of regulation should be implemented, consistent with the public interest and this section:

(a) Where existing common law and statutory civil actions and criminal prohibitions are not sufficient to eradicate existing harm, the regulation should provide for stricter civil actions and criminal prosecutions;

(b) Where a service is being performed for individuals involving a hazard to the public health, safety, or welfare, the regulation should impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court, including, but not limited to, regulation of the business activity providing the service rather than the employees of the business;

(c) Where the threat to the public health, safety, or economic well-being is relatively small as a result of the operation of the health profession, the regulation should implement a system of registration;

(d) Where the consumer may have a substantial basis for relying on the services of a practitioner, the regulation should implement a system of certification; or

(e) Where apparent that adequate regulation cannot be achieved by means other than licensing, the regulation should implement a system of licensing.

**NEW SECTION.** Sec. 2. The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following licensed or regulated professions and occupations: Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; drugless healing under chapter 18.36 RCW; midwifery under chapter 18.50 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under

chapter 18.55 RCW; osteopathy under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; and registered nurses under chapter 18.88 RCW.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License", "licensing", and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "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. 3. After the effective date of this act, if appropriate, applicant groups shall explain each of the following factors to the extent requested by the legislative committees of reference:

(1) A definition of the problem and why regulation is necessary:

(a) The nature of the potential harm to the public if the health profession is not regulated, and the extent to which there is a threat to public health and safety;

(b) The extent to which consumers need and will benefit from a method of regulation identifying competent practitioners, indicating typical employers, if any, of practitioners in the health profession; and

(c) The extent of autonomy a practitioner has, as indicated by:

(i) The extent to which the health profession calls for independent judgment and the extent of skill or experience required in making the independent judgment; and

(ii) The extent to which practitioners are supervised;

(2) The efforts made to address the problem:

(a) Voluntary efforts, if any, by members of the health profession to:

(i) Establish a code of ethics; or

(ii) Help resolve disputes between health practitioners and consumers; and

(b) Recourse to and the extent of use of applicable law and whether it could be strengthened to control the problem;

(3) The alternatives considered:

(a) Regulation of business employers or practitioners rather than employee practitioners;

(b) Regulation of the program or service rather than the individual practitioners;

(c) Registration of all practitioners;

(d) Certification of all practitioners;

(e) Other alternatives;

(f) Why the use of the alternatives specified in this subsection would not be adequate to protect the public interest; and

(g) Why licensing would serve to protect the public interest;

(4) The benefit to the public if regulation is granted:

(a) The extent to which the incidence of specific problems present in the unregulated health profession can reasonably be expected to be reduced by regulation;

(b) Whether the public can identify qualified practitioners;

(c) The extent to which the public can be confident that qualified practitioners are competent:

(i) Whether the proposed regulatory entity would be a board composed of members of the profession and public members, or a state agency, or both, and, if appropriate, their respective responsibilities in administering

the system of registration, certification, or licensure, including the composition of the board and the number of public members, if any; the powers and duties of the board or state agency regarding examinations and for cause revocation, suspension, and nonrenewal of registrations, certificates, or licenses; the promulgation of rules and canons of ethics; the conduct of inspections; the receipt of complaints and disciplinary action taken against practitioners; and how fees would be levied and collected to cover the expenses of administering and operating the regulatory system;

(ii) If there is a grandfather clause, whether such practitioners will be required to meet the prerequisite qualifications established by the regulatory entity at a later date;

(iii) The nature of the standards proposed for registration, certification, or licensure as compared with the standards of other jurisdictions;

(iv) Whether the regulatory entity would be authorized to enter into reciprocity agreements with other jurisdictions; and

(v) The nature and duration of any training including, but not limited to, whether the training includes a substantial amount of supervised field experience; whether training programs exist in this state; if there will be an experience requirement; whether the experience must be acquired under a registered, certificated, or licensed practitioner; whether there are alternative routes of entry or methods of meeting the prerequisite qualifications; whether all applicants will be required to pass an examination; and, if an examination is required, by whom it will be developed and how the costs of development will be met;

(d) Assurance of the public that practitioners have maintained their competence:

(i) Whether the registration, certification, or licensure will carry an expiration date; and

(ii) Whether renewal will be based only upon payment of a fee, or whether renewal will involve reexamination, peer review, or other enforcement;

(5) The extent to which regulation might harm the public:

(a) The extent to which regulation will restrict entry into the health profession:

(i) Whether the proposed standards are more restrictive than necessary to insure safe and effective performance; and

(ii) Whether the proposed legislation requires registered, certificated, or licensed practitioners in other jurisdictions who migrate to this state to qualify in the same manner as state applicants for registration, certification, and licensure when the other jurisdiction has substantially equivalent requirements for registration, certification, or licensure as those in this state; and

(b) Whether there are similar professions to that of the applicant group which should be included in, or portions of the applicant group which should be excluded from, the proposed legislation;

(6) The maintenance of standards:

(a) Whether effective quality assurance standards exist in the health profession, such as legal requirements associated with specific programs that define or enforce standards, or a code of ethics; and

(b) How the proposed legislation will assure quality:

(i) The extent to which a code of ethics, if any, will be adopted; and

(ii) The grounds for suspension or revocation of registration, certification, or licensure;

(7) A description of the group proposed for regulation, including a list of associations, organizations, and other groups representing the practitioners in this state, an estimate of the number of practitioners in each group, and whether the groups represent different levels of practice; and

(8) The expected costs of regulation:

(a) The impact registration, certification, or licensure will have on the costs of the services to the public; and

(b) The cost to the state and to the general public of implementing the proposed legislation.

NEW SECTION. Sec. 4. This chapter may be known and cited as the Washington regulation of health professions act.

NEW SECTION. Sec. 5. There is added to chapter 43.24 RCW a new section to read as follows:

There is created in the state treasury an account within the general fund to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, or examinations shall be forwarded to the state treasurer who shall credit such moneys to the health professions account. All expenses incurred in carrying out the health professions licensing activities of the department shall be paid from the account as authorized by legislative appropriation. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

The director shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

NEW SECTION. Sec. 6. The state treasurer shall transfer the remaining fund balances within the opticians' account, the optometry account, and the state board of psychological examiners' account to the health professions account on the effective date of this act.

NEW SECTION. Sec. 7. All appropriations made to the department of licensing for the purpose of carrying out its health professions licensing activities shall be transferred and credited to the health professions account on the effective date of this act. Whenever any question arises as to the transfer of funds, including unexpended balances within any account, used or held in connection with the department's health professions licensing activities, the director of financial management shall make a determination as to the proper allocation.

Sec. 8. Section 13, chapter 144, Laws of 1919 as last amended by section 8, chapter 277, Laws of 1981 and RCW 18.53.050 are each amended to read as follows:

~~((During the month of January of each year,))~~ Every registered optometrist shall annually or on the date specified by the director pay to the state treasurer a renewal fee, to be determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and failure to pay such fee within the prescribed time shall cause the suspension of his or her certificate. ~~((The state treasurer shall place two dollars and forty cents from each renewal fee into the general fund and shall place the balance into an optometry account which is hereby created for the enforcement of this chapter. Any residue in such account shall be accumulated and shall not revert to the general fund at the end of any biennium.~~

~~In the event of failure to pay the renewal fee, the director shall mail a notice of such suspension to the last known post office address of the holder between the first and fifth days of February, March, and April next following and if the fee is not paid by May 1st the director may declare the certificate revoked.))~~

Sec. 9. Section 14, chapter 25, Laws of 1963 as last amended by section 50, chapter 158, Laws of 1979 and RCW 18.54.140 are each amended to read as follows:

Notwithstanding any other provisions of law, rule or regulation, the board may draw from the ~~((optometry account created and held pursuant to RCW 18.53.050,))~~ health professions account on vouchers approved by the director of licensing, so much money as is necessary to carry into effect, to administer, and to enforce the provisions of this chapter.

Sec. 10. Section 21, chapter 70, Laws of 1965 as last amended by section 48, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.83.051 are each amended to read as follows:

~~((There is hereby created the "state board of psychological examiners' account" within the state general fund. All moneys received under chapter 18.83 RCW by the state treasurer shall be deposited in the "state board of psychological examiners' account" within the state general fund. 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.))~~

Each member of the board shall receive the sum of twenty-five dollars for each day actually attending to the work of the board or any of its committees and for the time spent in necessary travel; and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. ~~((Any such expenses shall be paid from the "state board of psychological examiners' account" within the general fund, to the extent that the moneys are available therein.))~~

NEW SECTION. Sec. 11. There is added to chapter 46.01 RCW a new section to read as follows:

In order to provide liaison with the department of licensing, provide continuity between changes in board membership, achieve uniformity as appropriate in licensure or regulated activities under the jurisdiction of the department, and to better represent the public interest, the director, or a designee appointed by the director, shall serve as an ex officio member of every health professional licensure and/or disciplinary board established under Title 18 RCW under the administrative authority of the department of licensing. The director shall have no vote unless otherwise authorized by law.

NEW SECTION. Sec. 12. There is added to chapter 43.24 RCW a new section to read as follows:

It shall be the policy of the state of Washington that the cost of each professional, occupational or business licensing program be fully borne by the members of that profession, occupation or business. The director of licensing shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations or businesses administered by the business and professions administration in the department of licensing. In fixing said fees, the director shall set the fees for each such program at a sufficient level to defray the costs of administering that program. All such fees shall be fixed by rule adopted by the director in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- (1) Section 13, chapter 43, Laws of 1957 and RCW 18.34.130; and
- (2) Section 10, chapter 2, Laws of 1983 and RCW 43.24.085.

NEW SECTION. Sec. 14. There is added to chapter 18.29 RCW a new section to read as follows:

The director of licensing shall appoint a committee of three licensed dental hygienists to prepare and conduct examinations for dental hygiene

licensure. The committee shall require an applicant for licensure to pass an examination consisting of written and practical tests upon such subjects and of such scope as the committee determines. The standards for passage of the examination shall be set by the committee.

At least two examinations shall be given each calendar year in conjunction with examinations for licensure of dentists under chapter 18.32 RCW.

NEW SECTION. Sec. 15. Section 29, chapter 16, Laws of 1923, section 2, chapter 47, Laws of 1969, section 31, chapter 158, Laws of 1979 and RCW 18.29.030 are each repealed.

***\*NEW SECTION. Sec. 16. Sections 14 and 15 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately.***

\*Sec. 16 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 17. 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. 18. Sections 1 through 4 of this act shall constitute a new chapter in Title 18 RCW.

Passed the House April 23, 1983.

Passed the Senate April 17, 1983.

Approved by the Governor May 16, 1983, with the exception of section 16 which was vetoed.

Filed in Office of Secretary of State May 16, 1983.

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. 359, entitled:

"AN ACT Relating to the regulation of health professions and occupations licensure."

Section 16 of this bill would make immediately effective the new dental hygienist examining committee. Unfortunately, the June examination has already been announced, and it would be impossible to appoint and orient the new committee in time to properly administer that examination.

By allowing the new examining committee to become effective in the normal 90 days rather than immediately, the June examination can be properly administered and the new committee smoothly established.

With the exception of Section 16, which I have vetoed, Substitute House Bill No. 359 is approved."

## CHAPTER 169

[Substitute Senate Bill No. 3433]

## HIGHER EDUCATION FACILITIES AUTHORITY—ISSUANCE OF BONDS

AN ACT Relating to higher education institutions; adding new sections to chapter 223, Laws of 1969 ex. sess. as a new chapter in Title 28B RCW; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. The legislature finds that the state has a vital interest in ensuring that higher education institutions are maintained in the state in sufficient numbers and located in such locations, as to be accessible to as many citizens as possible. Adequate educational opportunities are essential to the economic, intellectual, and social well-being of the state and its people. Washington's independently-governed private nonprofit higher education institutions are a necessary part of the state's higher educational resources. They provide educational diversity and choice for all residents of the communities in which they are located, communities which may not otherwise be served directly by a public baccalaureate-granting college or university.

The legislature further finds that some of the factors that contribute to educational costs are beyond the control of these higher education institutions and their governing boards. The factors include the need to modify facilities to render the facilities accessible to the handicapped or disabled, the necessity of modernizing structures to keep them safe and efficient, and the demands of energy conservation and resource utilization. Many of these needs are associated with the public functions these institutions perform and the requirements of the state and federal governments. Compounding the problem is the fact that the cost of these renovations are borne entirely by the institutions.

Because these institutions serve an important public purpose addressing both the needs of individuals and the needs of the state, and because the performance of that public function can be facilitated at no expense or liability to the state, the legislature declares it to be the public policy of the state of Washington to enable the building, providing, and utilization of modern, well-equipped, efficient, and reasonably priced higher educational facilities, as well as the improvement, expansion, and modernization of such facilities, in a manner that will minimize the capital cost of construction, financing, and use of such facilities. The intention of this policy is to improve and ensure the quality and range of educational services available to the citizens of this state. The intent of the legislature is to accomplish these and related purposes, and this chapter shall be liberally construed in order to further these goals.

NEW SECTION. Sec. 2. As used in this chapter, the following words and terms shall have the following meanings, unless the context otherwise requires:

(1) "Authority" means the Washington higher education facilities authority; created under section 3 of this act or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law.

(2) "Bonds" means bonds, notes, commercial paper, certificates of indebtedness, or other evidences of indebtedness of the authority issued under this chapter.

(3) "Bond resolution" means any resolution of the authority, adopted under this chapter, authorizing the issuance and sale of bonds.

(4) "Higher education institution" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, which is open to residents of the state, which neither restricts entry on racial or religious grounds, which provides programs of education beyond high school leading at least to the baccalaureate degree, and which is accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the council for postsecondary education.

(5) "Participant" means a higher education institution which, under this chapter, undertakes the financing of a project or projects or undertakes the refunding or refinancing of obligations, mortgages, or advances previously incurred for a project or projects.

(6) "Project" means any land or any improvement, including, but not limited to, buildings, structures, fixtures, utilities, machinery, excavations, paving, and landscaping, and any interest in such land or improvements, and any personal property pertaining or useful to such land and improvements, which are necessary, useful, or convenient for the operation of a higher education institution, including but not limited to, the following: Dormitories or other multi-unit housing facilities for students, faculty, officers, or employees; dining halls; student unions; administration buildings; academic buildings; libraries; laboratories; research facilities; computer facilities; classrooms; athletic facilities; health care facilities; maintenance, storage, or utility facilities; parking facilities; or any combination thereof, or any other structures, facilities, or equipment so related.

(7) "Project cost" means any cost related to the acquisition, construction, improvement, alteration, or rehabilitation by a participant or the authority of any project and the financing of the project through the authority, including, but not limited to, the following costs paid or incurred: Costs of acquisition of land or interests in land and any improvement; costs of contractors, builders, laborers, materialmen, and suppliers of tools and equipment; costs of surety and performance bonds; fees and disbursements of architects, surveyors, engineers, feasibility consultants, accountants, attorneys, financial consultants, and other professionals; interest on bonds issued

by the authority during any period of construction; principal of and interest on interim financing of any project; debt service reserve funds; depreciation funds, costs of the initial start-up operation of any project; fees for title insurance, document recording, or filing; fees of trustees and the authority; taxes and other governmental charges levied or assessed on any project; and any other similar costs. Except as specifically set forth in this definition, the term "project cost" does not include books, fuel, supplies, and similar items which are required to be treated as a current expense under generally accepted accounting principles.

(8) "Trust indenture" means any agreement, trust indenture, or other similar instrument by and between the authority and one or more corporate trustees.

**NEW SECTION.** Sec. 3. (1) The Washington higher education facilities authority is hereby established as a public body corporate and politic, with perpetual corporate succession, constituting an agency of the state of Washington exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010.

(2) The authority shall consist of seven members as follows: The governor, lieutenant governor, executive coordinator of the state council for post-secondary education, and four public members, one of whom shall be the president of a higher education institution at the time of appointment. The public members shall be residents of the state and appointed by the governor, subject to confirmation by the senate, on the basis of their interest or expertise in the provision of higher education and the financing of higher education. The public members of the authority shall serve for terms of four years. The initial terms of the public members shall be staggered in a manner determined by the governor. In the event of a vacancy on the authority due to death, resignation, or removal of one of the public members, and upon the expiration of the term of any public member, the governor shall appoint a successor for a term expiring on the fourth anniversary of the successor's date of the appointment. If any of the state offices are abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office. Any public member of the authority may be removed by the governor for misfeasance, malfeasance, wilful neglect of duty, or any other cause after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing.

(3) The governor shall serve as chairperson of the authority. The authority shall elect annually one of its members as secretary. If the governor shall be absent from a meeting of the authority, the secretary shall preside. However, the governor may designate an employee of the governor's office to act on the governor's behalf in all other respects during the absence of the governor at any meeting of the authority. If the designation is in writing and is presented to the person presiding at the meetings of the authority

who is included in the designation, the vote of the designee has the same effect as if cast by the governor.

(4) Any person designated by resolution of the authority shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute book or a journal of the authority, and the authority's official seal, if any. The person may cause copies to be made of all minutes and other records and documents of the authority, and may give certificates to the effect that such copies are true copies. All persons dealing with the authority may rely upon the certificates.

(5) Four members of the authority constitute a quorum. The authority may act on the basis of a motion except when authorizing the issuance and sale of bonds, in which case the authority shall act by resolution. Bond resolutions and other resolutions shall be adopted upon the affirmative vote of four members of the authority, and shall be signed by those members voting yes. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting of the authority. All actions taken by the authority shall take effect immediately without need for publication or other public notice. A vacancy in the membership of the authority does not impair the power of the authority to act under this chapter.

(6) The members of the authority shall serve without compensation but shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses as determined by the authority incurred in the discharge of their duties under this chapter.

NEW SECTION. Sec. 4. The authority is authorized and empowered to do the following, on such terms, with such security and undertakings, subject to such conditions, and in return for such consideration, as the authority shall determine in its discretion to be necessary, useful, or convenient in accomplishing the purposes of this chapter:

- (1) To promulgate rules in accordance with chapter 34.04 RCW;
- (2) To adopt an official seal and to alter the same at pleasure;
- (3) To maintain an office at any place or places as the authority may designate;
- (4) To sue and be sued in its own name, and to plead and be impleaded;
- (5) To make and execute agreements with participants and others and all other instruments necessary, useful, or convenient for the accomplishment of the purposes of this chapter;
- (6) To provide long-term or short-term financing or refinancing to participants for project costs, by way of loan, lease, conditional sales contract, mortgage, option to purchase, or other financing or security device or any such combination;
- (7) If, in order to provide to participants the financing or refinancing of project costs described in subsection (6) of this section, the authority deems it necessary or convenient for it to own a project or projects or any part of a

project or projects, for any period of time, it may acquire, contract, improve, alter, rehabilitate, repair, manage, operate, mortgage, subject to a security interest, lease, sell, or convey the project;

(8) To fix, revise from time to time, and charge and collect from participants and others rates, rents, fees, charges, and repayments as necessary to fully and timely reimburse the authority for all expenses incurred by it in providing the financing and refinancing and other services under this section and for the repayment, when due, of all the principal of, redemption premium, if any, and interest on all bonds issued under this chapter to provide the financing, refinancing, and services;

(9) To accept and receive funds, grants, gifts, pledges, guarantees, mortgages, trust deeds, and other security instruments, and property from the federal government or the state or other public body, entity, or agency and from any public or private institution, association, corporation, or organization, including participants. It shall not accept or receive from the state or any taxing agency any money derived from taxes, except money to be devoted to the purposes of a project of the state or of a taxing agency;

(10) To open and maintain a bank account or accounts in one or more qualified public depositories in this state and to deposit all or any part of authority funds therein;

(11) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, an executive director, and such other employees and agents as may be necessary in its judgment to carry out the purposes of this chapter, and to fix their compensation;

(12) To provide financing or refinancing to two or more participants for a single project or for several projects in such combinations as the authority deems necessary, useful, or convenient;

(13) To charge to and equitably apportion among participants the administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter;

(14) To consult with the council for postsecondary education to determine project priorities under the purposes of this chapter; and

(15) To do all other things necessary, useful, or convenient to carry out the purposes of this chapter.

In the exercise of any of these powers, the authority shall incur no expense or liability which shall be an obligation, either general or special, of the state, or a general obligation of the authority, and shall pay no expense or liability from funds other than funds of the authority. Funds of the state shall not be used for such purpose.

**NEW SECTION.** Sec. 5. (1) The authority may, from time to time, issue its special obligation bonds in order to carry out the purposes of this chapter and to enable the authority to exercise any of the powers granted to it in this chapter. The bonds shall be issued pursuant to a bond resolution or

trust indenture and shall be payable solely out of the special fund or funds created by the authority in the bond resolution or trust indenture. The special fund or funds shall be funded in whole or in part from moneys paid by one or more participants for whose benefit such bonds were issued and from the sources, if any, described in section 4(9) of this act or from the proceeds of bonds issued by the authority for the purpose of refunding any outstanding bonds of the authority.

(2) The bonds may be secured by:

(a) A first lien against any unexpended proceeds of the bonds;

(b) A first lien against moneys in the special fund or funds created by the authority for their payment;

(c) A first or subordinate lien against the revenue and receipts of the participant or participants which revenue is derived in whole or in part from the project financed by the authority;

(d) A first or subordinate security interest against any real or personal property, tangible or intangible, of the participant or participants, including, but not limited to, the project financed by the authority;

(e) Any other real or personal property, tangible or intangible; or

(f) Any combination of (a) through (e) of this subsection.

Any security interest created against the unexpended bond proceeds and against the special funds created by the authority shall be immediately valid and binding against the moneys and any securities in which the moneys may be invested without authority or trustee possession, and the security interest shall be prior to any party having any competing claim against the moneys or securities, without filing or recording under Article 9 of the Uniform Commercial Code, Title 62A RCW, and regardless of whether the party has notice of the security interest.

(3) The bonds may be issued as serial bonds or as term bonds or any such combination. The bonds shall bear such date or dates; mature at such time or times; bear interest at such rate or rates, either fixed or variable; be payable at such time or times; be in such denominations; be in such form, either coupon or registered, or both; carry such registration privileges; be made transferable, exchangeable, and interchangeable; be payable in lawful money of the United States of America at such place or places; be subject to such terms of redemption; and be sold at public or private sale, in such manner, at such time, and at such price as the authority shall determine. The bonds shall be executed by the manual or facsimile signatures of the chairperson and the authority's duly-elected secretary or its executive director, and by the trustee if the authority determines to use a trustee. At least one signature shall be manually subscribed. Coupon bonds shall have attached interest coupons bearing the facsimile signatures of the chairperson and the secretary or the executive director.

(4) Any bond resolution, trust indenture, or agreement with a participant relating to bonds issued by the authority or the financing or refinancing



made available by the authority may contain provisions, which may be made a part of the contract with the holders or owners of the bonds to be issued, pertaining to the following, among other matters: (a) The security interests granted by the participant to secure repayment of any amounts financed and the performance by the participant of its other obligations in the financing; (b) the security interests granted to the holders or owners of the bonds to secure repayment of the bonds; (c) rentals, fees, and other amounts to be charged, and the sums to be raised in each year through such charges, and the use, investment, and disposition of the sums; (d) the segregation of reserves or sinking funds, and the regulation, investment, and disposition thereof; (e) limitations on the uses of the project; (f) limitations on the purposes to which, or the investments in which, the proceeds of the sale of any issue of bonds may be applied; (g) terms pertaining to the issuance of additional parity bonds; (h) terms pertaining to the incurrence of parity debt; (i) the refunding of outstanding bonds; (j) procedures, if any, by which the terms of any contract with bondholders may be amended or abrogated; (k) acts or failures to act which constitute a default by the participant or the authority in their respective obligations and the rights and remedies in the event of a default; (l) the securing of bonds by a pooling of leases whereby the authority may assign its rights, as lessor, and pledge rents under two or more leases with two or more participants, as lessees; (m) terms governing performance by the trustee of its obligation; or (n) such other additional covenants, agreements, and provisions as are deemed necessary, useful, or convenient by the authority for the security of the holders of the bonds.

(5) Bonds may be issued by the authority to refund other outstanding authority bonds, at or prior to the maturity thereof, and to pay any redemption premium with respect thereto. Bonds issued for such refunding purposes may be combined with bonds issued for the financing or refinancing of new projects. Pending the application of the proceeds of the refunding bonds to the redemption of the bonds to be redeemed, the authority may enter into an agreement or agreements with a corporate trustee under section 8 of this act with respect to the interim investment of the proceeds and the application of the proceeds and the earnings on the proceeds to the payment of the principal of and interest on, and the redemption of the bonds to be redeemed.

(6) All bonds and any interest coupons appertaining to the bonds shall be negotiable instruments under Title 62A RCW.

(7) Neither the members of the authority, nor its employees or agents, nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance of the bonds.

(8) The authority may purchase its bonds with any of its funds available for the purchase. The authority may hold, pledge, cancel, or resell the bonds subject to and in accordance with agreements with bondholders.

(9) At no time shall the total outstanding bonded indebtedness of the authority exceed five hundred million dollars.

**NEW SECTION.** Sec. 6. Bonds issued under this chapter shall not be deemed to constitute obligations, either general or special, of the state or of any political subdivision of the state, or a pledge of the faith and credit of the state or of any political subdivision, or a general obligation of the authority. The bonds shall be special obligations of the authority and shall be payable solely from the special fund or funds created by the authority in the bond resolution or trust indenture pursuant to which the bonds were issued. The fund or funds shall be funded in whole or in part from moneys paid by one or more participants for whose benefit the bonds were issued, from the sources, if any, under section 4(9) of this act, or from the proceeds of bonds issued by the authority for the purpose of refunding any outstanding bonds of the authority. The issuance of bonds under this chapter shall not obligate, directly, indirectly, or contingently, the state or any political subdivision of the state to levy any taxes or appropriate or expend any funds for the payment of the principal or the interest on the bonds.

Neither the proceeds of bonds issued under this chapter, any moneys used or to be used to pay the principal of or interest on the bonds, nor any moneys received by the authority to defray its administrative costs shall constitute public money or property. All of such moneys shall be kept segregated and set apart from funds of the state and any political subdivision of the state and shall not be subject to appropriation or allotment by the state or subject to the provisions of chapter 43.88 RCW.

**NEW SECTION.** Sec. 7. In connection with any bonds issued by the authority, the authority shall enter into agreements with participants which shall provide for the payment by each participant of amounts which shall be sufficient, together with other revenues available to the authority, if any, to: (1) Pay the participant's share of the administrative costs and expenses of the authority; (2) pay the costs of maintaining, managing, and operating the project or projects financed by the authority, to the extent that the payment of the costs has not otherwise been adequately provided for; (3) pay the principal of, premium, if any, and interest on outstanding bonds of the authority issued in respect of such project or projects as the same shall become due and payable; and (4) create and maintain reserves required or provided for in any bond resolution or trust indenture authorizing the issuance of such bonds of the authority. The payments shall not be subject to supervision or regulation by any department, committee, board, body, bureau, or agency of the state other than the authority.

**NEW SECTION.** Sec. 8. All moneys received by or on behalf of the authority under this chapter, whether as proceeds from the sale of bonds or from participants or from other sources shall be deemed to be trust funds to be held and applied solely as provided in this chapter. The authority, in lieu of receiving and applying the moneys itself, may enter into an agreement or trust indenture with one or more banks or trust companies having the power and authority to conduct trust business in the state to:

(1) Perform all of any part of the obligations of the authority with respect to: (a) Bonds issued by it; (b) the receipt, investment, and application of the proceeds of the bonds and moneys paid by a participant or available from other sources for the payment of the bonds; (c) the enforcement of the obligations of a participant in connection with the financing or refinancing of any project; and (d) other matters relating to the exercise of the authority's powers under this chapter;

(2) Receive, hold, preserve, and enforce any security interest or evidence of security interest granted by a participant for purposes of securing the payment of the bonds; and

(3) Act on behalf of the authority or the holders or owners of bonds of the authority for purposes of assuring or enforcing the payment of the bonds, when due.

**NEW SECTION.** Sec. 9. Any holder or owner of bonds of the authority issued under this chapter or any holder of the coupons appertaining to the bonds, and the trustee or trustees under any trust indenture, except to the extent the rights given are restricted by the authority in any bond resolution or trust indenture authorizing the bonds, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any of their respective rights, and may become the purchaser at any foreclosure sale if the person is the highest bidder.

**NEW SECTION.** Sec. 10. The bonds of the authority are securities in which all public officers and bodies of this state and all counties, cities, municipal corporations, and political subdivisions, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, insurance companies and associations, 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.

**NEW SECTION.** Sec. 11. A project or the financing or refinancing thereof pursuant to this chapter shall not be subject to the requirements of any law or rule relating to competitive bidding, lease performance bonds, or other restrictions imposed on the procedure for award of contracts.

**\*NEW SECTION. Sec. 12.** *The authority shall adopt rules to assure that the "prevailing rate of wage," as defined in RCW 39.12.010, is paid on any construction financed under this chapter.*

\*Sec. 12. was voted, see message at end of chapter.

**NEW SECTION. Sec. 13.** (1) The authority shall adopt written policies to provide for the selection of bond counsel. The policies shall provide for the creation and maintenance of a roster of attorneys whom the authority believes possess the requisite special expertise and professional standing to provide bond counsel opinions which would be accepted by the underwriters, bondholders and other members of the financial community, and which would be in furtherance of the public interest in obtaining the lowest possible interest rates on the bonds issued by the authority. Any attorney may apply to have his or her name placed on the roster, but may not be placed on the roster unless the attorney demonstrates to the authority's satisfaction that the attorney would issue the kind of opinions required by this section.

(2) Prior to selecting an attorney or attorneys to provide bond counsel services, the authority shall provide all attorneys on the roster with a notice of its intentions to select bond counsel and shall invite each of them to submit to the authority his or her fee schedule for providing bond counsel services. The authority shall have wide discretion in selecting the attorney or attorneys it considers to be most appropriate to provide the services, but in the exercise of this discretion the authority shall consider all submitted fee schedules and the public interest in achieving issuance of bonds on terms most favorable to the authority. At least once every two calendar years, the authority shall select anew an attorney or attorneys to serve as bond counsel. However, the authority may retain an attorney for longer than two years when necessary to complete work on a particular bond issue. An attorney previously retained may be selected again but only after the authority has provided other attorneys on the roster with an opportunity to be selected and has made the fee schedule review required under this subsection. As an alternative to retaining counsel for a period of time, the authority may appoint an attorney to serve as counsel in respect to only a particular bond issue or issues.

**NEW SECTION. Sec. 14.** (1) The authority shall adopt written policies to provide for the selection of underwriters. The policies shall provide for the creation of a roster of underwriters who the authority believes possess the requisite special expertise and professional standing to provide bond marketing services which would be accepted by bondholders and other members of the financial community, and which would be in furtherance of the public interest in marketing the authority's bonds at the lowest possible costs. Any underwriter may apply to have its name placed on the roster, but may not be placed on the roster unless it demonstrates to the authority's satisfaction that it meets the requirements of this section.

(2) Whenever the authority decides that it needs the services of an underwriter, it shall provide all underwriters on the roster with a notice of its intentions and shall invite each of them to submit to the authority an itemization of its fees and other charges for providing underwriting services on the issue. The itemization shall be by categories designed by the authority. The authority shall have wide discretion in selecting the underwriter it considers to be most appropriate to provide the services, but in the exercise of this discretion the authority shall consider the underwriter's fees and other charges and the public interest in achieving issuance of bonds on terms most favorable to the authority. The authority may adopt rules setting forth conditions under which an institution of higher education may be permitted to exercise the notice and selection procedures set forth in this subsection. These rules shall require the institution to comply with the provisions of this subsection as if it were the authority and to obtain the authority's prior approval of the selection of an underwriter.

NEW SECTION. Sec. 15. This chapter provides a complete, additional, and alternative method for accomplishing the purposes of this chapter and shall be regarded as supplemental and additional to powers conferred by other laws. The issuance of bonds and refunding bonds under this chapter need not comply with the requirements of any other law applicable to the issuance of bonds.

NEW SECTION. Sec. 16. This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect its purposes. Insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, or parts thereof, the provisions of this chapter shall be controlling.

NEW SECTION. Sec. 17. 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. 18. Sections 1 through 17 of this act shall constitute a new chapter, added to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW.

NEW SECTION. Sec. 19. 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 24, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 16, 1983, with the exception of section 12 which was vetoed.

Filed in Office of Secretary of State May 16, 1983.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 12, Substitute Senate Bill No. 3433, entitled:

"AN ACT Relating to higher education institutions."

Substitute Senate Bill No. 3433 establishes the Higher Education Facilities Authority to assist the state's independent colleges and universities in the issuance of tax exempt revenue bonds. These bonds, and the expenses of the Authority, are funded by private sources. No public funds are involved.

Section 12 of the bill would require the Authority to adopt rules to ensure the "prevailing rate of wage" for construction projects, as prescribed by RCW 39.12-.010. Chapter 39.12 RCW pertains to public works projects paid from public funds. The authority of Substitute Senate Bill No. 3433 pertains to private construction projects funded from non-public sources. Therefore chapter 39.12 RCW does not, and should not, apply.

With the exception of section 12, which I have vetoed, Substitute Senate Bill No. 3433 is approved."

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## CHAPTER 170

[Engrossed House Bill No. 23]

### INDUSTRIAL INSURANCE—COMMON CARRIER EMPLOYERS AND TRUCK OPERATORS MAY ELECT COVERAGE

AN ACT Relating to industrial insurance coverage; amending section 51.12.090, chapter 23, Laws of 1961 as last amended by section 16, chapter 63, Laws of 1982 and RCW 51.12-.090; adding a new section to chapter 51.12 RCW; and declaring an emergency.

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

Sec. 1. Section 51.12.090, chapter 23, Laws of 1961 as last amended by section 16, chapter 63, Laws of 1982 and RCW 51.12.090 are each amended to read as follows:

((†)) The provisions of this title shall apply to employers and workers (other than railways and their 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 workers may and shall be clearly separable and distinguishable from the payroll of workers engaged in interstate or foreign commerce: PROVIDED, That(~~;~~ ~~except as provided under subsection (2) of this section;~~) as to 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 workers brought into this state for the purpose of engaging in work.

~~((2) Common carrier employers engaged in intrastate commerce and also interstate or foreign commerce may exempt themselves from being liable for damages under this title as provided under subsection (1) of this section so long as at the time of such injury:~~

(a) The employer is domiciled in this state;

~~(b) The injured person is a worker as defined under this title;  
 (c) The employer has secured payment of compensation; and  
 (d) The employer has made election to cover all such persons in the manner provided by RCW 51.12.110.))~~

**NEW SECTION.** Sec. 2. There is added to chapter 51.12 RCW a new section to read as follows:

(1) Common or contract carriers domiciled in this state that are engaged exclusively in interstate or foreign commerce, or any combination thereof, may elect coverage under this title in the manner provided by RCW 51.12.110 for their employees.

(2) A person who is domiciled in this state and who owns and operates a truck engaged in intrastate, interstate, or foreign commerce, or any combination thereof, may elect coverage under this title in the manner provided by RCW 51.32.030, whether or not the truck is leased to a common or contract carrier.

**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 April 20, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

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## CHAPTER 171

[Substitute House Bill No. 44]

### COUNTY-OWNED SOLID WASTE FACILITIES—IMPACT ON CITIES— MITIGATION—NEGOTIATIONS, MEDIATION, ARBITRATION

AN ACT Relating to solid waste facilities; and amending section 8, chapter 175, Laws of 1982 and RCW 36.58.080.

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

Sec. 1. Section 8, chapter 175, Laws of 1982 and RCW 36.58.080 are each amended to read as follows:

County-owned solid waste facilities shall not be subject to any tax or excise imposed by any city or town. Cities or towns may charge counties to mitigate impacts directly attributable to the solid waste facility: **PROVIDED**, That any city or town establishes that such charges are reasonably necessary to mitigate such impacts and that revenue generated from such charges is expended only to mitigate such impacts. Impacts resulting from commercial and residential solid waste collection within any city or town shall not be considered to be directly attributable to the solid waste facility. In the event that no agreement can be reached between the city or town and

the county following a reasonable period of good faith negotiations, including mediation where appropriate, the matter shall be resolved by a board of arbitrators, to be convened at the request of either party, such board of arbitrators to consist of a representative from the city or town involved, a representative of the county, and a third representative to be appointed by the other two representatives. If no agreement can be reached with regard to said third representative, the third representative shall be appointed by a judge of the superior court of the county of the jurisdiction owning the solid waste facility. The determination by the board of arbitrators of the sum to be paid by the county shall be binding on all parties. Each party shall pay the costs of their individual representatives on the board of arbitrators and they shall pay one-half of the cost of the third representative.

Passed the House April 22, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

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## CHAPTER 172

[Substitute House Bill No. 64]

### HAZARDOUS WASTE DISPOSAL—VIOLATIONS—CIVIL ACTIONS FOR DAMAGES—ATTORNEY FEES—PENALTIES

AN ACT Relating to hazardous waste disposal; amending section 8, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.080; amending section 9, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.090; and adding new sections to chapter 70.105 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 70.105 RCW a new section to read as follows:

A person injured as a result of a violation of this chapter or the rules adopted thereunder may bring an action in superior court for the recovery of the damages. A conviction or imposition of a penalty under this chapter is not a prerequisite to an action under this section.

The court may award reasonable attorneys' fees to a prevailing injured party in an action under this section.

Sec. 2. Section 8, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.080 are each amended to read as follows:

(1) Every person who fails to comply with any provision of (~~RCW 70-105-010 through 70.105.090~~) this chapter or of the rules adopted thereunder shall be subjected to a penalty in an amount of not more than (~~one~~) ten thousand dollars per day for every such violation. Each and every such violation shall be a separate and distinct offense. In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids,



or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.

(2) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper, giving consideration to the degree of hazard associated with the violation, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department of ecology shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper. Any penalty imposed by the provisions of this section shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

(3) Any penalty imposed by this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or petition for review by the hearings board is filed. When such an application for remission or mitigation is made, any penalty incurred pursuant to this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application. Any penalty resulting from a decision of the hearings board shall become due and payable thirty days after receipt of the notice setting forth the decision.

(4) If the amount of any penalty is not paid to the department of ecology within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which such violator may do business, to recover such penalty. In all such actions, the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided.

Sec. 3. Section 9, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.090 are each amended to read as follows:

In addition to the penalties imposed pursuant to RCW 70.105.080, any person who violates any provisions of (~~RCW 70.105.010 through 70.105.090~~) this chapter, or of the rules implementing (~~RCW 70.105.010 through 70.105.090~~) this chapter, and any person who knowingly aids or abets another in conducting any violation of any provisions of (~~RCW 70.105.010 through 70.105.090~~) this chapter, or of the rules implementing (~~RCW 70.105.010 through 70.105.090~~) this chapter, shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine

of not less than one hundred dollars nor more than ~~((one))~~ ten thousand dollars, and/or by imprisonment in the county jail for not more than one year, for each separate violation. Each and every such violation shall be a separate and distinct offense.

NEW SECTION. Sec. 4. There is added to chapter 70.105 RCW a new section to read as follows which shall be codified as RCW 70.105.095:

(1) Whenever on the basis on any information the department determines that a person has violated or is about to violate any provision of this chapter, the department may issue an order requiring compliance either immediately or within a specified period of time. The order shall be delivered by registered mail or personally to the person against whom the order is directed.

(2) Any person who fails to take corrective action as specified in a compliance order shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance. In addition, the department may suspend or revoke any permits and/or certificates issued under the provisions of this chapter to a person who fails to comply with an order directed against him.

(3) Any order shall become final unless, no later than thirty days after the order is served, the person or persons named in the order request a public hearing. The request shall be delivered either by registered mail or personally to the department. Upon receiving a request for a hearing, the department shall promptly conduct a public hearing to consider testimony and new information regarding the order. The department may, at its discretion, either modify the order or maintain it unchanged. The order shall become effective immediately after the department reaches a final decision, unless the department modifies the order to specify another compliance date.

(4) Any person directly affected by a compliance order or by any decision of the department regarding a compliance order may appeal the order or decision to the pollution control hearings board in accordance with chapter 43.21B 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 House April 19, 1983.

Passed the Senate April 14, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 173

[House Bill No. 76]

REVENUE STABILIZATION FUNDS

AN ACT Relating to cumulative reserve funds of cities and towns; and amending section 35-.21.070, chapter 7, Laws of 1965 and RCW 35.21.070.

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

Sec. 1. Section 35.21.070, chapter 7, Laws of 1965 and RCW 35.21.070 are each amended to read as follows:

Any city or town (~~is hereby authorized to~~) may establish by ordinance a cumulative reserve fund in general terms for several different municipal purposes as well as for a very specific municipal purpose, including that of buying any specified supplies, material or equipment, or the construction, alteration or repair of any public building or work, or the making of any public improvement, or for creation of a revenue stabilization fund for future operations. The ordinance shall designate the fund as "cumulative reserve fund for . . . . . (naming purpose or purposes for which fund is to be accumulated and expended)." The moneys in (~~said~~) the fund may be allowed to accumulate from year to year until the legislative authority of the city or town shall determine to expend the moneys in the fund for the purpose or purposes specified: PROVIDED, That any moneys in (~~said~~) the fund shall never be expended for any other purpose or purposes than those specified, without an approving vote by a two-thirds majority of the (~~electors of the city or town at a general or special election voting on a proposal submitted to the electors to allow other specified uses to be made of said fund~~) members of the legislative authority of the city or town.

Passed the House April 22, 1983.  
Passed the Senate April 15, 1983.  
Approved by the Governor May 16, 1983.  
Filed in Office of Secretary of State May 16, 1983.

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CHAPTER 174

[Engrossed House Bill No. 107]

SELF-INSURANCE GROUPS—HOSPITALS—SCHOOL DISTRICTS—  
EDUCATIONAL SERVICE DISTRICTS

AN ACT Relating to industrial insurance self-insurance by hospitals, school districts, and educational service districts; amending section 80, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.173; amending section 7, chapter 191, Laws of 1982 and RCW 51.14.150; and amending section 8, chapter 191, Laws of 1982 and RCW 51.14.160.

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

Sec. 1. Section 80, chapter 289, Laws of 1971 ex. sess. and RCW 51-.08.173 are each amended to read as follows:

"Self-insurer" means an employer (~~(who)~~) or group of employers which has been authorized under this title to carry its own liability to its employees covered by this title.

Sec. 2. Section 7, chapter 191, Laws of 1982 and RCW 51.14.150 are each amended to read as follows:

~~((The boards of directors of))~~ (1) Any two or more employers which are school districts or educational service districts, (2) any two or more employers which are hospitals, as defined in RCW 70.39.020(3), and are owned or operated by a state agency or municipal corporation of this state, or (3) any two or more employers which are hospitals, as defined in RCW 70.39.020(3), no one of which is owned or operated by a state agency or municipal corporation of this state or subject to RCW 70.39.150(3), may enter into agreements to form self-insurance groups for ~~((educational agencies. Such))~~ the purposes of this chapter: PROVIDED, That no more than one group may be formed under subsection (2) of this section and no more than one group may be formed under subsection (3) of this section. The self-insurance groups shall be organized and operated under rules promulgated by the director under RCW 51.14.160. Such a self-insurance group shall be deemed an employer for the purposes of this chapter, and may qualify as a self-insurer if it meets all the other requirements of this chapter.

Sec. 3. Section 8, chapter 191, Laws of 1982 and RCW 51.14.160 are each amended to read as follows:

The director shall promulgate rules to carry out the purposes of RCW 51.14.150:

(1) Governing the formation of self-insurance groups for ~~((educational agencies:))~~ the purposes of this chapter;

(2) Governing the organization and operation of the groups to assure their compliance with the requirements of this chapter~~((:));~~

(3) Requiring adequate monetary reserves, determined under accepted actuarial practices, to be maintained by each group to assure financial solvency of the group~~((:)); and~~

(4) Requiring each group to carry adequate reinsurance.

Passed the House April 23, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 175

[Engrossed House Bill No. 125]

DEPARTMENT OF CORRECTIONS—CIVIL SERVICE EXEMPTIONS—  
REMOVES INSTITUTIONAL INDUSTRIES STAFF

AN ACT Relating to civil service; and amending section 28, chapter 136, Laws of 1981 and RCW 41.06.071.

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

Sec. 1. Section 28, chapter 136, Laws of 1981 and RCW 41.06.071 are each amended to read as follows:

In addition to the exemptions provided under RCW 41.06.070, the provisions of this chapter shall not apply in the department of corrections to the secretary, the secretary's personal secretary, the deputy secretary, all division directors and assistant directors, all facility superintendents and associate superintendents for facilities with a resident capacity of fifty or more and all management and sales staff of institutional industries (~~and institutional industries staff who are directly involved in the supervising of industries work by inmates~~)).

Passed the House February 16, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 176

[Engrossed House Bill No. 150]

POLITICAL CONTRIBUTIONS—REPORTING—SPECIAL REPORT—\$500 OR  
MORE

AN ACT Relating to reporting political contributions exceeding five hundred dollars; amending section 42, chapter 1, Laws of 1973 and RCW 42.17.420; and adding a new section to chapter 42.17 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 42.17 RCW a new section to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution which:

(a) Exceeds five hundred dollars;

(b) Is from a single person or entity;

(c) Is received before an election; and

(d) Is received after the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that election.

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special

report if the contribution is made before an election and after the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that election.

(3) Except as provided in subsection (4), the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) shall be delivered to the commission within twenty-four hours of the time, or on the first working day after, the contribution is received by the candidate or campaign treasurer. The special report required by subsection (2) shall be delivered to the commission within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3).

(5) The special report shall include at least:

(a) The amount of the contribution;

(b) The date of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

Sec. 2. Section 42, chapter 1, Laws of 1973 and RCW 42.17.420 are each amended to read as follows:

When any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. The provisions of this section do not apply to reports required to be delivered under section 1 of this 1983 act.

Passed the House February 25, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

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## CHAPTER 177

[Engrossed House Bill No. 164]

### BRITISH COLUMBIA WORLD EXPOSITION OF 1986—STATE PARTICIPATION

AN ACT Relating to state participation in the British Columbia World Exposition of 1986; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; and providing an expiration date.

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

**NEW SECTION.** Sec. 1. The 1962 world fair held in Seattle and the 1974 world fair held in Spokane resulted in the influx of thousands of visitors from all over the world and aided in promoting the state and its large variety of products and its great trade potential. They also served to strengthen the social, cultural, and economic ties between the state and its Canadian provincial neighbor to the north, British Columbia. In 1986 British Columbia will host a world exposition. Recent experience has proven that participation in such events benefits all those concerned.

Therefore, it is the declared intent of the Washington state legislature that the state of Washington should participate in Expo '86 in Vancouver, British Columbia, between May and October, 1986. The on-site presence of the state of Washington will conform to the theme of Expo '86, "Man in Motion, Transportation and Communication," and will be coordinated with efforts of the department of commerce and economic development, the department of transportation, the Washington state patrol, and other agencies to insure maximum hospitality and benefit for the millions of additional visitors who will co-visit Washington state.

**NEW SECTION.** Sec. 2. (1) There is hereby created the world fair commission to consist of nine members to be selected as follows: Five by the governor, two senators (being one from the senate majority and one from the senate minority) by the president of the senate, and two representatives (being one from the house majority and one from the house minority) by the speaker of the house of representatives, to serve until June 30, 1987. The governor shall designate one member to serve as chairman of the commission. Members of the commission shall serve without compensation but shall be reimbursed for travel expenses while on commission business under RCW 43.03.050 and 43.03.060. The commission shall meet at such time as it is called by the governor or by the chairman of the commission.

(2) The governor shall appoint an executive director for the commission. The executive director shall serve at the governor's pleasure or until completion of state participation in the British Columbia exposition of 1986. The department of commerce and economic development shall provide administrative and staff support to the commission.

**NEW SECTION.** Sec. 3. The commission shall make complete studies and investigations concerning the feasibility and desirability of state participation in the British Columbia world exposition of 1986. The feasibility study shall include, but not be limited to, impacts upon Washington's border communities and transportation networks. The commission shall file a report of its conclusions and recommendations regarding participation by the state of Washington in such world exposition with the 1984 legislature. If it considers participation desirable, the commission shall include in its report ways and means whereby the state's participation in the British

Columbia world exposition of 1986 may be implemented and shall prepare the legislation necessary therefor. Copies of the report shall be submitted to the governor, the president of the senate, and the speaker of the house of representatives by January 1, 1984.

NEW SECTION. Sec. 4. Reimbursement of commissioners for expenses as authorized in subsection (1) of section 2 of this act shall be paid by the director of commerce and economic development as a proper charge to the state trade fair fund.

NEW SECTION. Sec. 5. This chapter shall expire on June 30, 1987.

NEW SECTION. Sec. 6. There is added 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 to the executive director and one confidential secretary of the world fair commission created in this 1983 act.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act constitute a new chapter in Title 43 RCW.

Passed the House April 19, 1983.

Passed the Senate April 14, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

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## CHAPTER 178

[Substitute House Bill No. 177]

### HOT WATER THERMOSTAT SETBACK

AN ACT Relating to public health and safety; adding a new section to chapter 19.27 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature recognizes that unnecessarily hot tap or bath water creates an extreme risk of severe burns, especially among the elderly, children, and retarded persons. Annually, numerous persons suffer severe scald burns, some resulting in death, from tap or bath water which is inordinately hot. Excessive tap and bath water temperatures in residential usage is unnecessary for sanitary purposes. Regulation of the setting of water temperatures upon installation can virtually eliminate incidences of dangerous scalding. Further, the legislature finds that projected future shortages of energy in our state could be reduced or prevented by the efficient utilization of existing energy resources. Reducing the temperature settings on thermostats to one hundred twenty degrees Fahrenheit (or forty-nine degrees Celsius) would save energy that is now unnecessarily consumed, reduce homeowners' average utility costs, and promote home safety without any loss of comfort or health.



**NEW SECTION.** Sec. 2. There is added to chapter 19.27 RCW a new section to read as follows:

(1) "Hot water heater" means the primary source of hot water for a residence.

(2) The thermostat of a new water heater offered for sale or lease in this state for use in a residential unit, shall be preset by the manufacturer no higher than one hundred twenty degrees Fahrenheit (or forty-nine degrees Celsius) or the minimum setting on any water heater which cannot be set as low as that temperature. Water heating systems may utilize higher reservoir temperature if mixing valves are set or systems are designed to restrict the temperature of water to one hundred twenty degrees Fahrenheit.

(3) Upon occupancy of a new tenant in a residential unit leased or rented in this state, if hot water is supplied from an accessible, individual water heater, the water heater shall be set by the owner or agent at a temperature not higher than one hundred twenty degrees Fahrenheit (forty-nine degrees Celsius) or the minimum setting on any water heater which cannot be set as low as that temperature. Water heating systems may utilize higher reservoir temperature if mixing valves are set or systems are designed to restrict the temperature of water to one hundred twenty degrees Fahrenheit.

(4) Nothing in this section shall prohibit an owner of an owner-occupied residential unit or resident of a leased or rented residential unit from readjusting the temperature setting after occupancy. Any readjustment of the temperature setting by the resident relieves the owner or agent of an individual residential unit and the manufacturer of water heaters from liability for damages attributed to the readjustment by the resident.

(5) The utility providing energy for any water heater under this section shall at least annually, include in its billing a statement:

(a) Recommending that water heaters be set no higher than one hundred twenty degrees Fahrenheit or the minimum setting on a water heater which cannot be set as low as that temperature to prevent severe burns and reduce excessive energy consumption; and

(b) That the thermostat of an individual water heater furnished in a residential unit leased or rented in this state to new tenants shall be set no higher than one hundred twenty degrees Fahrenheit or the minimum setting on a water heater which cannot be set as low as that temperature pursuant to chapter 19.27 RCW.

(6) The manufacturer of a water heater under this section which is offered for sale or installed after the effective date of this act shall have a tag attached to the thermostat access plate or immediately adjacent to exposed thermostats. The tag shall state that the thermostat settings above the preset temperature may cause severe burns and consume excessive energy.

(7) Nothing in this section requires or permits any inspections other than those otherwise required or permitted by law.

Passed the House April 23, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 179

[Engrossed Substitute House Bill No. 179]

### UNCLAIMED PROPERTY—PROCEDURE AND REGULATIONS

AN ACT Relating to unclaimed property; enacting the Uniform Unclaimed Property Act of 1983; adding a new chapter to Title 63 RCW; creating new sections; repealing section 1, chapter 385, Laws of 1955, section 27, chapter 26, Laws of 1967 ex. sess., section 6, chapter 107, Laws of 1979 and RCW 63.28.070; repealing section 2, chapter 385, Laws of 1955, section 1, chapter 59, Laws of 1975-'76 2nd ex. sess., section 1, chapter 1, Laws of 1981 2nd ex. sess. and RCW 63.28.080; repealing section 3, chapter 385, Laws of 1955, section 2, chapter 1, Laws of 1981 2nd ex. sess. and RCW 63.28.090; repealing section 4, chapter 385, Laws of 1955, section 3, chapter 1, Laws of 1981 2nd ex. sess. and RCW 63.28.100; repealing section 5, chapter 385, Laws of 1955 and RCW 63.28.110; repealing section 6, chapter 385, Laws of 1955 and RCW 63.28.120; repealing section 7, chapter 385, Laws of 1955, section 4, chapter 1, Laws of 1981 2nd ex. sess. and RCW 63.28.130; repealing section 8, chapter 385, Laws of 1955, section 5, chapter 1, Laws of 1981 2nd ex. sess. and RCW 63.28.140; repealing section 9, chapter 385, Laws of 1955, section 1, chapter 11, Laws of 1955 ex. sess., section 6, chapter 1, Laws of 1981 2nd ex. sess. and RCW 63.28.150; repealing section 10, chapter 385, Laws of 1955 and RCW 63.28.160; repealing section 11, chapter 385, Laws of 1955 and RCW 63.28.170; repealing section 12, chapter 385, Laws of 1955 and RCW 63.28.180; repealing section 13, chapter 385, Laws of 1955 and RCW 63.28.190; repealing section 14, chapter 385, Laws of 1955 and RCW 63.28.200; repealing section 15, chapter 385, Laws of 1955 and RCW 63.28.210; repealing section 16, chapter 385, Laws of 1955 and RCW 63.28.220; repealing section 1, chapter 117, Laws of 1979 ex. sess. and RCW 63.28.225; repealing section 17, chapter 385, Laws of 1955 and RCW 63.28.230; repealing section 18, chapter 385, Laws of 1955 and RCW 63.28.240; repealing section 19, chapter 385, Laws of 1955 and RCW 63.28.250; repealing section 20, chapter 385, Laws of 1955 and RCW 63.28.260; repealing section 21, chapter 385, Laws of 1955 and RCW 63.28.270; repealing section 22, chapter 385, Laws of 1955 and RCW 63.28.280; repealing section 23, chapter 385, Laws of 1955 and RCW 63.28.290; repealing section 24, chapter 385, Laws of 1955 and RCW 63.28.300; repealing section 25, chapter 385, Laws of 1955 and RCW 63.28.310; repealing section 26, chapter 385, Laws of 1955 and RCW 63.28.320; repealing section 27, chapter 385, Laws of 1955 and RCW 63.28.330; repealing section 28, chapter 385, Laws of 1955 and RCW 63.28.340; repealing section 29, chapter 385, Laws of 1955 and RCW 63.28.350; repealing section 1, chapter 289, Laws of 1959, section 4, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.28.360; repealing section 32, chapter 385, Laws of 1955 and RCW 63.28.900; repealing section 31, chapter 385, Laws of 1955 and RCW 63.28.910; repealing section 30, chapter 385, Laws of 1955 and RCW 63.28.920; prescribing penalties; providing an effective date; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. DEFINITIONS AND USE OF TERMS. As used in this chapter, unless the context otherwise requires:

(1) "Department" means the department of revenue established under RCW 82.01.050.

(2) "Apparent owner" means the person whose name appears on the records of the holder as the person entitled to property held, issued, or owing by the holder.

(3) "Attorney general" means the chief legal officer of this state referred to in chapter 43.10 RCW.

(4) "Banking organization" means a bank, trust company, savings bank, land bank, safe deposit company, private banker, or any organization defined by other law as a bank or banking organization.

(5) "Business association" means a nonpublic corporation, joint stock company, investment company, business trust, partnership, or association for business purposes of two or more individuals, whether or not for profit, including a banking organization, financial organization, insurance company, or utility.

(6) "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of an unincorporated person.

(7) "Financial organization" means a savings and loan association, cooperative bank, building and loan association, or credit union.

(8) "Holder" means a person, wherever organized or domiciled, who is:

(a) In possession of property belonging to another,

(b) A trustee, or

(c) Indebted to another on an obligation.

(9) "Insurance company" means an association, corporation, fraternal or mutual benefit organization, whether or not for profit, which is engaged in providing insurance coverage, including accident, burial, casualty, credit life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life (including endowments and annuities), malpractice, marine, mortgage, surety, and wage protection insurance.

(10) "Intangible property" does not include contract claims which are unliquidated but does include:

(a) Moneys, checks, drafts, deposits, interest, dividends, and income;

(b) Credit balances, customer overpayments, gift certificates, security deposits, refunds, credit memos, unpaid wages, unused airline tickets, and unidentified remittances, but does not include discounts which represent credit balances for which no consideration was given;

(c) Stocks, and other intangible ownership interests in business associations;

(d) Moneys deposited to redeem stocks, bonds, coupons, and other securities, or to make distributions;

(e) Liquidated amounts due and payable under the terms of insurance policies; and

(f) Amounts distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.

(11) "Last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail.

(12) "Owner" means a depositor in the case of a deposit, a beneficiary in case of a trust other than a deposit in trust, a creditor, claimant, or payee in the case of other intangible property, or a person having a legal or equitable interest in property subject to this chapter or his legal representative.

(13) "Person" means an individual, business association, state or other government, governmental subdivision or agency, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

(14) "State" means any state, district, commonwealth, territory, insular possession, or any other area subject to the legislative authority of the United States.

(15) "Third party bank check" means any instrument drawn against a customer's account with a banking organization or financial organization on which the banking organization or financial organization is only secondarily liable.

(16) "Utility" means a person who owns or operates for public use any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

**NEW SECTION. Sec. 2. PROPERTY PRESUMED ABANDONED—GENERAL RULE.** (1) Except as otherwise provided by this chapter, all intangible property, including any income or increment derived therefrom, less any lawful charges, that is held, issued, or owing in the ordinary course of the holder's business and has remained unclaimed by the owner for more than five years after it became payable or distributable is presumed abandoned.

(2) Property, with the exception of unredeemed Washington state lottery tickets and unrepresented winning parimutuel tickets, is payable and distributable for the purpose of this chapter notwithstanding the owner's failure to make demand or to present any instrument or document required to receive payment.

(3) This chapter does not apply to claims drafts issued by insurance companies representing offers to settle claims unliquidated in amount or settled by subsequent drafts or others means.

**NEW SECTION. Sec. 3. GENERAL RULES FOR TAKING CUSTODY OF INTANGIBLE UNCLAIMED PROPERTY.** Unless otherwise provided in this chapter or by other statute of this state, intangible property is subject to the custody of this state as unclaimed property if the conditions raising a presumption of abandonment under sections 2 and 5 through 16 of this act are satisfied and:

(1) The last known address, as shown on the records of the holder, of the apparent owner is in this state;

(2) The records of the holder do not reflect the identity of the person entitled to the property and it is established that the last known address of the person entitled to the property is in this state;

(3) The records of the holder do not reflect the last known address of the apparent owner, and it is established that:

(a) The last known address of the person entitled to the property is in this state, or

(b) The holder is a domiciliary or a government or governmental subdivision or agency of this state and has not previously paid or delivered the property to the state of the last known address of the apparent owner or other person entitled to the property;

(4) The last known address, as shown on the records of the holder, of the apparent owner is in a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property and the holder is a domiciliary or a government or governmental subdivision or agency of this state: PROVIDED, That a holder may rely, with acquittance, upon a list of such states which shall be provided by the department;

(5) The last known address, as shown on the records of the holder, of the apparent owner is in a foreign nation and the holder is a domiciliary or a government or governmental subdivision or agency of this state; or

(6) The transaction out of which the property arose occurred in this state; and

(a)(i) The last known address of the apparent owner or other person entitled to the property is unknown, or

(ii) The last known address of the apparent owner or other person entitled to the property is in a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property: PROVIDED, That a holder may rely, with acquittance, upon a list of such states which shall be provided by the department, and

(b) The holder is a domiciliary of a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property.

**NEW SECTION.** Sec. 4. TRAVELERS CHECKS AND MONEY ORDERS. (1) Subject to subsection (4) of this section, any sum payable on a travelers check that has been outstanding for more than fifteen years after its issuance is presumed abandoned unless the owner, within fifteen years, has communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the issuer.

(2) Subject to subsection (4) of this section, any sum payable on a money order or similar written instrument, other than a third party bank check, that has been outstanding for more than five years after its issuance

is presumed abandoned unless the owner, within five years, has communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the issuer.

(3) A holder may not deduct from the amount of a travelers check or money order any charge imposed by reason of the failure to present the instrument for payment unless there is a valid and enforceable written contract between the issuer and the owner of the instrument pursuant to which the issuer may impose a charge and the issuer regularly imposes such charges and does not regularly reverse or otherwise cancel them.

(4) No sum payable on a travelers check, money order, or similar written instrument, other than a third party bank check, described in subsections (1) and (2) of this section may be subjected to the custody of this state as unclaimed property unless:

(a) The records of the issuer show that the travelers check, money order, or similar written instrument was purchased in this state;

(b) The issuer has its principal place of business in this state and the records of the issuer do not show the state in which the travelers check, money order, or similar written instrument was purchased; or

(c) The issuer has its principal place of business in this state, the records of the issuer show the state in which the travelers check, money order, or similar written instrument was purchased and the laws of the state of purchase do not provide for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property. The department shall provide to the issuer a list of all such states and the issuer may rely with acquittance upon such list.

(5) Notwithstanding any other provision of this chapter, subsection (4) of this section applies to sums payable on travelers checks, money orders, and similar written instruments presumed abandoned on or after February 1, 1965, except to the extent that those sums have been paid over to a state.

**NEW SECTION. Sec. 5. CHECKS, DRAFTS, AND SIMILAR INSTRUMENTS ISSUED OR CERTIFIED BY BANKING AND FINANCIAL ORGANIZATIONS.** (1) Any sum payable on a check, draft, or similar instrument, except those subject to section 4 of this act, on which a banking or financial organization is directly liable, including a cashier's check and a certified check, which has been outstanding for more than five years after it was payable or after its issuance if payable on demand, is presumed abandoned, unless the owner, within five years, has communicated in writing with the banking or financial organization concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee thereof.

(2) A holder may not deduct from the amount of any instrument subject to this section any charge imposed by reason of the failure to present the

instrument for payment unless there is a valid and enforceable written contract between the holder and the owner of the instrument pursuant to which the holder may impose a charge, and the holder regularly imposes such charges and does not regularly reverse or otherwise cancel them.

**NEW SECTION. Sec. 6. BANK DEPOSITS AND FUNDS IN FINANCIAL ORGANIZATIONS.** (1) Any demand, savings, or matured time deposit with a banking or financial organization, including a deposit that is automatically renewable, and any funds paid toward the purchase of a share, a mutual investment certificate, or any other interest in a banking or financial organization is presumed abandoned unless the owner, within five years, has:

(a) In the case of a deposit, increased or decreased its amount or presented the passbook or other similar evidence of the deposit for the crediting of interest;

(b) Communicated in writing with the banking or financial organization concerning the property;

(c) Otherwise indicated an interest in the property as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization;

(d) Owned other property to which subsection (1) (a), (b), or (c) of this section applies and if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be presumed abandoned under this subsection at the address to which communications regarding the other property regularly are sent; or

(e) Had another relationship with the banking or financial organization concerning which the owner has:

(i) In the case of a deposit, increased or decreased the amount of the deposit or presented the passbook or other similar evidence of the deposit for the crediting of interest;

(ii) Communicated in writing with the banking or financial organization; or

(iii) Otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization and if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be abandoned under this subsection at the address to which communications regarding the other relationship regularly are sent.

(2) For purposes of subsection (1) of this section property includes interest and dividends.

(3) This chapter shall not apply to deposits made by a guardian or decedent's personal representative with a banking organization when the deposit is subject to withdrawal only upon the order of the court in the guardianship or estate proceeding.

(4) A holder may not impose with respect to property described in subsection (1) of this section any charge due to dormancy or inactivity or cease payment of interest unless:

(a) There is an enforceable written contract between the holder and the owner of the property pursuant to which the holder may impose a charge or cease payment of interest;

(b) For property in excess of ten dollars, the holder, no more than three months before the initial imposition of those charges or cessation of interest, has given written notice to the owner of the amount of those charges at the last known address of the owner stating that those charges will be imposed or that interest will cease, but the notice provided in this section need not be given with respect to charges imposed or interest ceased before the effective date of this act; and

(c) The holder regularly imposes such charges or ceases payment of interest and does not regularly reverse or otherwise cancel them or retroactively credit interest with respect to the property.

(5) Any property described in subsection (1) of this section that is automatically renewable is matured for purposes of subsection (1) of this section upon the expiration of its initial time period, or after one year if the initial period is less than one year, but in the case of any renewal to which the owner consents at or about the time of renewal by communicating in writing with the banking or financial organization or otherwise indicating consent as evidenced by a memorandum or other record on file prepared by an employee of the organization, the property is matured upon the expiration of the last time period for which consent was given. If, at the time provided for delivery in section 19 of this act, a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the time when no penalty or forfeiture would result.

**NEW SECTION. Sec. 7. FUNDS OWING UNDER LIFE INSURANCE POLICIES.** (1) Funds held or owing under any life or endowment insurance policy or annuity contract that has matured or terminated are presumed abandoned if unclaimed for more than five years after the funds became due and payable as established from the records of the insurance company holding or owing the funds, but property described in subsection (3)(b) of this section is presumed abandoned if unclaimed for more than two years.

(2) If a person other than the insured or annuitant is entitled to the funds and an address of the person is not known to the company or it is not definite and certain from the records of the company who is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the company.



(3) For purposes of this chapter, a life or endowment insurance policy or annuity contract not matured by actual proof of the death of the insured or annuitant according to the records of the company is matured and the proceeds due and payable if:

- (a) The company knows that the insured or annuitant has died; or
- (b)(i) The insured has attained, or would have attained if he were living, the limiting age under the mortality table on which the reserve is based;
- (ii) The policy was in force at the time the insured attained, or would have attained, the limiting age specified in subparagraph (i) of this subsection; and
- (iii) Neither the insured nor any other person appearing to have an interest in the policy within the preceding two years, according to the records of the company, has assigned, readjusted, or paid premiums on the policy, subjected the policy to a loan, corresponded in writing with the company concerning the policy, or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the company.

(4) For purposes of this chapter, the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from being matured or terminated under subsection (1) of this section if the insured has died or the insured or the beneficiaries of the policy otherwise have become entitled to the proceeds thereof before the depletion of the cash surrender value of a policy by the application of those provisions.

(5) If the laws of this state or the terms of the life insurance policy require the company to give notice to the insured or owner that an automatic premium loan provision or other nonforfeiture provision has been exercised and the notice, given to an insured or owner whose last known address according to the records of the company is in this state, is undeliverable, the company shall make a reasonable search to ascertain the policyholder's correct address to which the notice must be mailed.

(6) Notwithstanding any other provision of law, if the company learns of the death of the insured or annuitant and the beneficiary has not communicated with the insurer within four months after the death, the company shall take reasonable steps to pay the proceeds to the beneficiary.

(7) Commencing two years after the effective date of this act, every change of beneficiary form issued by an insurance company under any life or endowment insurance policy or annuity contract to an insured or owner who is a resident of this state must request the following information:

- (a) The name of each beneficiary, or if a class of beneficiaries is named, the name of each current beneficiary in the class;
- (b) The address of each beneficiary; and
- (c) The relationship of each beneficiary to the insured.

**NEW SECTION.** Sec. 8. DEPOSITS HELD BY UTILITIES. (1) A deposit, including any interest thereon, made by a subscriber with a utility to secure payment or any sum paid in advance for utility services to be furnished, less any lawful deductions, that remains unclaimed by the owner for more than one year after termination of the services for which the deposit or advance payment was made is presumed abandoned.

(2) Any sum which a utility has been ordered to refund and which was received for utility services rendered in this state, together with any interest thereon, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than one year after the date it became payable in accordance with the final determination or order providing for the refund is presumed abandoned.

**NEW SECTION.** Sec. 9. REFUNDS HELD BY BUSINESS ASSOCIATIONS. Except to the extent otherwise ordered by the court or administrative agency, any sum that a business association has been ordered to refund by a court or administrative agency which has remained unclaimed by the owner for more than one year after it became payable in accordance with the final determination or order providing for the refund, whether or not the final determination or order requires any person entitled to a refund to make a claim for it, is presumed abandoned.

**NEW SECTION.** Sec. 10. STOCK AND OTHER INTANGIBLE INTERESTS IN BUSINESS ASSOCIATIONS. (1) Except as provided in subsections (2) and (5) of this section, stock or other intangible ownership interest in a business association, the existence of which is evidenced by records available to the association, is presumed abandoned and, with respect to the interest, the association is the holder, if a dividend, distribution, or other sum payable as a result of the interest has remained unclaimed by the owner for seven years and the owner within seven years has not:

(a) Communicated in writing with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest; or

(b) Otherwise communicated with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest, as evidenced by a memorandum or other record on file with the association prepared by an employee of the association.

(2) At the expiration of a seven-year period following the failure of the owner to claim a dividend, distribution, or other sum payable to the owner as a result of the interest, the interest is not presumed abandoned unless there have been at least seven dividends, distributions, or other sums paid during the period, none of which has been claimed by the owner. If seven dividends, distributions, or other sums are paid during the seven-year period, the period leading to a presumption of abandonment commences on the date payment of the first such unclaimed dividend, distribution, or other sum became due and payable. If seven dividends, distributions, or other

sums are not paid during the presumptive period, the period continues to run until there have been seven dividends, distributions, or other sums that have not been claimed by the owner.

(3) The running of the seven-year period of abandonment ceases immediately upon the occurrence of a communication referred to in subsection (1) of this section. If any future dividend, distribution, or other sum payable to the owner as a result of the interest is subsequently not claimed by the owner, a new period of abandonment commences and relates back to the time a subsequent dividend, distribution, or other sum became due and payable.

(4) At the time any interest is presumed abandoned under this section, any dividend, distribution, or other sum then held for or owing to the owner as a result of the interest, and not previously presumed abandoned, is presumed abandoned.

(5) This chapter shall not apply to any stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions, or other sums payable as a result of the interest unless the records available to the administrator of the plan show, with respect to any intangible ownership interest not enrolled in the reinvestment plan, that the owner has not within seven years communicated in any manner described in subsection (1) of this section.

**NEW SECTION.** Sec. 11. **PROPERTY OF BUSINESS ASSOCIATIONS HELD IN COURSE OF DISSOLUTION.** Intangible property distributable in the course of a dissolution of a business association which remains unclaimed by the owner for more than one year after the date specified for final distribution is presumed abandoned.

**NEW SECTION.** Sec. 12. **PROPERTY HELD BY AGENTS AND FIDUCIARIES.** (1) Intangible property and any income or increment derived therefrom held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner, within five years after it has become payable or distributable, has increased or decreased the principal, accepted payment of principal or income, communicated concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by the fiduciary.

(2) Funds in an individual retirement account or a retirement plan for self-employed individuals or similar account or plan established pursuant to the internal revenue laws of the United States are not payable or distributable within the meaning of subsection (1) of this section unless, under the terms of the account or plan, distribution of all or part of the funds would then be mandatory.

(3) For the purpose of this section, a person who holds property as an agent for a business association is deemed to hold the property in a fiduciary capacity for that business association alone, unless the agreement between him and the business association provides otherwise.

(4) For the purposes of this chapter, a person who is deemed to hold property in a fiduciary capacity for a business association alone is the holder of the property only insofar as the interest of the business association in the property is concerned, and the business association is the holder of the property insofar as the interest of any other person in the property is concerned.

**NEW SECTION.** Sec. 13. **PROPERTY HELD BY COURTS AND PUBLIC AGENCIES.** Intangible property held for the owner by a court, state or other government, governmental subdivision or agency, public corporation, or public authority which remains unclaimed by the owner for more than two years after becoming payable or distributable is presumed abandoned.

**NEW SECTION.** Sec. 14. **GIFT CERTIFICATES AND CREDIT MEMOS.** (1) A gift certificate or a credit memo issued in the ordinary course of an issuer's business which remains unclaimed by the owner for more than five years after becoming payable or distributable is presumed abandoned.

(2) In the case of a gift certificate, the amount presumed abandoned is the price paid by the purchaser for the gift certificate. In the case of a credit memo, the amount presumed abandoned is the amount credited to the recipient of the memo.

**NEW SECTION.** Sec. 15. **WAGES.** Unpaid wages, including wages represented by unrepresented payroll checks, owing in the ordinary course of the holder's business which remain unclaimed by the owner for more than one year after becoming payable are presumed abandoned.

**NEW SECTION.** Sec. 16. **CONTENTS OF SAFE DEPOSIT BOX OR OTHER SAFEKEEPING REPOSITORY.** All tangible and intangible property held in a safe deposit box or any other safekeeping repository in this state in the ordinary course of the holder's business and proceeds resulting from the sale of the property permitted by other law, which remain unclaimed by the owner for more than five years after the lease or rental period on the box or other repository has expired, are presumed abandoned.

**NEW SECTION.** Sec. 17. **REPORT OF ABANDONED PROPERTY.** (1) A person holding property presumed abandoned and subject to custody as unclaimed property under this chapter shall report to the department concerning the property as provided in this section.

(2) The report must be verified and must include:

(a) Except with respect to travelers checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of property of the value of twenty-five dollars or more presumed abandoned under this chapter;

(b) In the case of unclaimed funds of twenty-five dollars or more held or owing under any life or endowment insurance policy or annuity contract,

the full name and last known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;

(c) In the case of the contents of a safe deposit box or other safekeeping repository or in the case of other tangible property, a description of the property and the place where it is held and where it may be inspected by the department, and any amounts owing to the holder;

(d) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, but items of value under twenty-five dollars each may be reported in the aggregate;

(e) The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property; and

(f) Other information the department prescribes by rule as necessary for the administration of this chapter.

(3) If the person holding property presumed abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner or the holder has changed his name while holding the property, he shall file with his report all known names and addresses of each previous holder of the property.

(4) The report must be filed before November 1 of each year as of June 30, next preceding, but the report of any life insurance company must be filed before May 1 of each year as of December 31 next preceding. On written request by any person required to file a report, the department may postpone the reporting date.

(5) Not more than one hundred twenty days before filing the report required by this section, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under this chapter shall send written notice to the apparent owner at his last known address informing him that the holder is in possession of property subject to this chapter if:

(i) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate,

(ii) The claim of the apparent owner is not barred by the statute of limitations, and

(iii) The property has a value of seventy-five dollars or more.

**NEW SECTION.** Sec. 18. NOTICE AND PUBLICATION OF LISTS OF ABANDONED PROPERTY. (1) The department shall cause a notice to be published not later than March 1, or in the case of property reported by life insurance companies, September 1, immediately following the report required by section 17 of this act at least once a week for two consecutive weeks in a newspaper of general circulation in the county of this state in which is located the last known address of any person to be named in the notice. If no address is listed or the address is outside this state, the

notice must be published in the county in which the holder of the property has its principal place of business within this state.

(2) The published notice must be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property" and contain:

(a) The names in alphabetical order and last known address, if any, of persons listed in the report and entitled to notice within the county as specified in subsection (1) of this section;

(b) A statement that information concerning the property and the name and last known address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the department; and

(c) A statement that if proof of claim is not presented by the owner to the holder and the owner's right to receive the property is not established to the holder's satisfaction before April 20, or, in the case of property reported by life insurance companies, before October 20, the property will be placed not later than May 1, or in the case of property reported by life insurance companies, not later than November 1, in the custody of the department and all further claims must thereafter be directed to the department.

(3) The department is not required to publish in the notice any items of less than twenty-five dollars unless the department considers their publication to be in the public interest.

(4) Not later than March 1, or in the case of property reported by life insurance companies, not later than September 1, immediately following the report required by section 17 of this act, the department shall mail a notice to each person whose last known address is listed in the report and who appears to be entitled to property of the value of twenty-five dollars or more presumed abandoned under this chapter and any beneficiary of a life or endowment insurance policy or annuity contract for whom the department has a last known address.

(5) The mailed notice must contain:

(a) A statement that, according to a report filed with the department, property is being held to which the addressee appears entitled;

(b) The name and last known address of the person holding the property and any necessary information regarding the changes of name and last known address of the holder; and

(c) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the department and all further claims must be directed to the department.

(6) This section is not applicable to sums payable on travelers checks, money orders, and other written instruments presumed abandoned under section 4 of this act.

**NEW SECTION.** Sec. 19. PAYMENT OR DELIVERY OF ABANDONED PROPERTY. (1) Except as otherwise provided in subsections (2)

and (3) of this section, a person who is required to file a report under section 17 of this act, within six months after the final date for filing the report as required by section 17 of this act, shall pay or deliver to the department all abandoned property required to be reported.

(2) If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered or it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property to the department, and the property will no longer be presumed abandoned. In that case, the holder shall file with the department a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

(3) Property reported under section 17 of this act for which the holder is not required to report the name of the apparent owner must be delivered to the department at the time of filing the report.

(4) The holder of an interest under section 10 of this act shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the department. Upon delivery of a duplicate certificate to the department, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate is relieved of all liability of every kind in accordance with section 20 of this act to every person, including any person acquiring the original certificate or the duplicate of the certificate issued to the department, for any losses or damages resulting to any person by the issuance and delivery to the department of the duplicate certificate.

**NEW SECTION.** Sec. 20. CUSTODY BY STATE—HOLDER RELIEVED FROM LIABILITY—REIMBURSEMENT OF HOLDER PAYING CLAIM—RECLAIMING FOR OWNER—DEFENSE OF HOLDER—PAYMENT OF SAFE DEPOSIT BOX OR REPOSITORY CHARGES. (1) Upon the payment or delivery of property to the department, the state assumes custody and responsibility for the safekeeping of the property. A person who pays or delivers property to the department in good faith is relieved of all liability to the extent of the value of the property paid or delivered for any claim then existing or which thereafter may arise or be made in respect to the property.

(2) A holder who has paid money to the department pursuant to this chapter may make payment to any person appearing to the holder to be entitled to payment and, upon filing proof of payment and proof that the payee was entitled thereto, the department shall promptly reimburse the holder for the payment without imposing any fee or other charge. If reimbursement is sought for a payment made on an instrument, including a travelers check or money order, the holder must be reimbursed under this subsection upon filing proof that the instrument was duly presented and that payment was made to a person who appeared to the holder to be entitled to payment. The holder must be reimbursed for payment made under this subsection

even if the payment was made to a person whose claim was barred under section 29(1) of this act.

(3) A holder who has delivered property (including a certificate of any interest in a business association) other than money to the department pursuant to this chapter may reclaim the property if still in the possession of the department, without paying any fee or other charge, upon filing proof that the owner has claimed the property from the holder.

(4) The department may accept the holder's affidavit as sufficient proof of the facts that entitle the holder to recover money and property under this section.

(5) If the holder pays or delivers property to the department in good faith and thereafter another person claims the property from the holder or another state claims the money or property under its laws relating to escheat or abandoned or unclaimed property, the department, upon written notice of the claim, shall defend the holder against the claim and indemnify the holder against any liability on the claim.

(6) For the purposes of this section, "good faith" means that:

(a) Payment or delivery was made in a reasonable attempt to comply with this chapter;

(b) The person delivering the property was not a fiduciary then in breach of trust in respect to the property and had a reasonable basis for believing, based on the facts then known to him, that the property was abandoned for the purposes of this chapter; and

(c) There is no showing that the records pursuant to which the delivery was made did not meet reasonable commercial standards of practice in the industry.

(7) Property removed from a safe deposit box or other safekeeping repository is received by the department subject to the holder's right under this subsection to be reimbursed for the actual cost of the opening and to any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges. The department shall reimburse or pay the holder out of the proceeds remaining after deducting the department's selling cost. The liability of the department for this reimbursement to the holder shall be limited to the proceeds of the sale of the property remaining after the deduction of the department's costs.

**NEW SECTION. Sec. 21. CREDITING OF DIVIDENDS, INTEREST, OR INCREMENTS TO OWNER'S ACCOUNT.** Whenever property other than money is paid or delivered to the department under this chapter, the owner is entitled to receive from the department any dividends, interest, or other increments realized or accruing on the property at or before liquidation or conversion thereof into money.

**NEW SECTION. Sec. 22. PUBLIC SALE OF ABANDONED PROPERTY.** (1) Except as provided in subsections (2) and (3) of this section the department, within three years after the receipt of abandoned



property, shall sell it to the highest bidder at public sale in whatever city in the state affords in the judgment of the department the most favorable market for the property involved. The department may decline the highest bid and reoffer the property for sale if in the judgment of the department the bid is insufficient. If in the judgment of the department the probable cost of sale exceeds the value of the property, it need not be offered for sale. Any sale held under this section must be preceded by a single publication of notice, at least three weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold.

(2) Securities listed on an established stock exchange must be sold at prices prevailing at the time of sale on the exchange. Other securities may be sold over the counter at prices prevailing at the time of sale or by any other method the department considers advisable. All securities may be sold over the counter at prices prevailing at the time of the sale, or by any other method the department deems advisable.

(3) Unless the department considers it to be in the best interest of the state to do otherwise, all securities, other than those presumed abandoned under section 10 of this act, delivered to the department must be held for at least one year before being sold.

(4) Unless the department considers it to be in the best interest of the state to do otherwise, all securities presumed abandoned under section 10 of this act and delivered to the department must be held for at least three years before being sold. If the department sells any securities delivered pursuant to section 10 of this act before the expiration of the three-year period, any person making a claim pursuant to this chapter before the end of the three-year period is entitled to either the proceeds of the sale of the securities or the market value of the securities at the time the claim is made, whichever amount is greater, less any deduction for fees pursuant to section 23(2) of this act. A person making a claim under this chapter after the expiration of this period is entitled to receive either the securities delivered to the department by the holder, if they still remain in the hands of the department, or the proceeds received from sale, less any amounts deducted pursuant to section 23(2) of this act, but no person has any claim under this chapter against the state, the holder, any transfer agent, registrar, or other person acting for or on behalf of a holder for any appreciation in the value of the property occurring after delivery by the holder to the department.

(5) The purchaser of property at any sale conducted by the department pursuant to this chapter takes the property free of all claims of the owner or previous holder thereof and of all persons claiming through or under them. The department shall execute all documents necessary to complete the transfer of ownership.

**NEW SECTION.** Sec. 23. DEPOSIT OF FUNDS. (1) Except as otherwise provided by this section, the department shall promptly deposit in the general fund of this state all funds received under this chapter, including

the proceeds from the sale of abandoned property under section 22 of this act. The department shall retain in a separate trust fund an amount not less than two hundred fifty thousand dollars from which prompt payment of claims duly allowed must be made by the department. Before making the deposit, the department shall record the name and last known address of each person appearing from the holders' reports to be entitled to the property and the name and last known address of each insured person or annuitant and beneficiary and with respect to each policy or contract listed in the report of an insurance company its number, and the name of the company. The record must be available for public inspection at all reasonable business hours.

(2) The department of revenue may pay from the trust fund provided in subsection (1) of this section any costs of administering this chapter.

**NEW SECTION. Sec. 24. FILING OF CLAIM WITH DEPARTMENT.** (1) A person, excluding another state, claiming an interest in any property paid or delivered to the department may file with it a claim on a form prescribed by it and verified by the claimant.

(2) The department shall consider each claim within ninety days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either the last address to which notices are to be sent or the address of the claimant.

(3) If a claim is allowed, the department shall pay over or deliver to the claimant the property or the amount the department actually received or the net proceeds if it has been sold by the department, together with any additional amount required by section 21 of this act. If the claim is for property presumed abandoned under section 10 of this act which was sold by the department within three years after the date of delivery, the amount payable for that claim is the value of the property at the time the claim was made or the net proceeds of sale, whichever is greater. If the property claimed was interest-bearing to the owner on the date of surrender by the holder, the department also shall pay interest at the legal rate or any lesser rate the property earned while in the possession of the holder. Interest begins to accrue when the property is delivered to the department and ceases on the earlier of the expiration of ten years after delivery or the date on which payment is made to the owner. No interest on interest-bearing property is payable for any period before the effective date of this act.

(4) Any holder who pays the owner for property that has been delivered to the state and which, if claimed from the department, would be subject to subsection (3) of this section shall add interest as provided in subsection (3)

of this section. The added interest must be repaid to the holder by the department in the same manner as the principal.

**NEW SECTION.** Sec. 25. CLAIM OF ANOTHER STATE TO RECOVER PROPERTY—PROCEDURE. (1) At any time after property has been paid or delivered to the department under this chapter another state may recover the property if:

(a) The property was subjected to custody by this state because the records of the holder did not reflect the last known address of the apparent owner when the property was presumed abandoned under this chapter, and the other state establishes that the last known address of the apparent owner or other person entitled to the property was in that state and under the laws of that state the property escheated to or was subject to a claim of abandonment by that state;

(b) The last known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder, is in the other state and under the laws of that state the property has escheated to or become subject to a claim of abandonment by that state;

(c) The records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and the last known address of the actual owner is in the other state and under the laws of that state the property escheated to or was subject to a claim of abandonment by that state;

(d) The property was subjected to custody by this state under section 3(6) of this act and under the laws of the state of domicile of the holder the property has escheated to or become subject to a claim of abandonment by that state; or

(e) The property is the sum payable on a travelers check, money order, or other similar instrument that was subjected to custody by this state under section 4 of this act, and the instrument was purchased in the other state, and under the laws of that state the property escheated to or became subject to a claim of abandonment by that state.

(2) The claim of another state to recover escheated or abandoned property must be presented in a form prescribed by the department, who shall decide the claim within ninety days after it is presented. The department shall allow the claim if it determines that the other state is entitled to the abandoned property under subsection (1) of this section.

(3) The department shall require a state, before recovering property under this section, to agree to indemnify this state and its officers and employees against any liability on a claim for the property.

**NEW SECTION.** Sec. 26. ACTION TO ESTABLISH CLAIM. A person aggrieved by a decision of the department or whose claim has not been acted upon within ninety days after its filing may bring an action to establish the claim in the superior court of Thurston county naming the department as a defendant. The action must be brought within ninety days

after the decision of the department or within one hundred eighty days after the filing of the claim if the department has failed to act on it.

**NEW SECTION. Sec. 27. ELECTION TO TAKE PAYMENT OR DELIVERY.** (1) The department may decline to receive any property reported under this chapter which it considers to have a value less than the expense of giving notice and of sale. If the department elects not to receive custody of the property, the holder shall be notified within one hundred twenty days after filing the report required under section 17 of this act. The holder then may dispose of the property in such manner as it sees fit. No action or proceeding may be maintained against the holder for or on account of any action taken by the holder pursuant to this subsection with respect to the property.

(2) A holder, with the written consent of the department and upon conditions and terms prescribed by it, may report and deliver property before the property is presumed abandoned. Property delivered under this subsection must be held by the department and is not presumed abandoned until such time as it otherwise would be presumed abandoned under this chapter.

**NEW SECTION. Sec. 28. DESTRUCTION OR DISPOSITION OF PROPERTY HAVING INSUBSTANTIAL COMMERCIAL VALUE—IMMUNITY FROM LIABILITY.** If the department determines after investigation that any property delivered under this chapter has insubstantial commercial value, the department may destroy or otherwise dispose of the property at any time. No action or proceeding may be maintained against the state or any officer or against the holder for or on account of any action taken by the department pursuant to this section. Documents which are to be destroyed shall be copied on film and retained for ten years. Original documents which the department has identified to be destroyed and which have legal significance or historical interest may be surrendered to the state historical museum or to the state library.

**NEW SECTION. Sec. 29. PERIODS OF LIMITATION.** (1) The expiration, after September 1, 1979, of any period of time specified by contract, statute, or court order, during which a claim for money or property can be made or during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or to recover property, does not prevent the money or property from being presumed abandoned or affect any duty to file a report or to pay or deliver abandoned property to the department as required by this chapter.

(2) No action or proceeding may be commenced by the department with respect to any duty of a holder under this chapter more than six years after the duty arose.

**NEW SECTION. Sec. 30. REQUESTS FOR REPORTS AND EXAMINATION OF RECORDS.** (1) The department may require any person who has not filed a report to file a verified report stating whether or not

the person is holding any unclaimed property reportable or deliverable under this chapter. Nothing in this chapter requires reporting of property which is not subject to payment or delivery.

(2) The department, at reasonable times and upon reasonable notice, may examine the records of any person to determine whether the person has complied with the provisions of this chapter. The department may conduct the examination even if the person believes it is not in possession of any property reportable or deliverable under this chapter.

(3) If a person is treated under section 12 of this act as the holder of the property only insofar as the interest of the business association in the property is concerned, the department, pursuant to subsection (2) of this section, may examine the records of the person if the department has given the notice required by subsection (2) of this section to both the person and the business association at least ninety days before the examination.

(4) If an examination of the records of a person results in the disclosure of property reportable and deliverable under this chapter, the department may assess the cost of the examination against the holder at the rate of one hundred forty dollars a day for each examiner, but in no case may the charges exceed the lesser of three thousand dollars or the value of the property found to be reportable and deliverable. No assessment shall be imposed where the person proves that failure to report and deliver property was inadvertent. The cost of examination made pursuant to subsection (3) of this section may be imposed only against the business association.

(5) If a holder fails after the effective date of this act to maintain the records required by section 31 of this act and the records of the holder available for the periods subject to this chapter are insufficient to permit the preparation of a report, the department may require the holder to report and pay such amounts as may reasonably be estimated from any available records.

**NEW SECTION.** Sec. 31. RETENTION OF RECORDS. (1) Every holder required to file a report under section 17 of this act, as to any property for which it has obtained the last known address of the owner, shall maintain a record of the name and last known address of the owner for six years after the property becomes reportable, except to the extent that a shorter time is provided in subsection (2) of this section or by rule of the department.

(2) Any business association that sells in this state its travelers checks, money orders, or other similar written instruments, other than third-party bank checks on which the business association is directly liable, or that provides such instruments to others for sale in this state, shall maintain a record of those instruments while they remain outstanding, indicating the state and date of issue for three years after the date the property is reportable.

NEW SECTION. Sec. 32. ENFORCEMENT. The department may bring an action in a court of competent jurisdiction to enforce this chapter.

NEW SECTION. Sec. 33. INTERSTATE AGREEMENTS AND COOPERATION—JOINT AND RECIPROCAL ACTIONS WITH OTHER STATES. (1) The department may enter into agreements with other states to exchange information needed to enable this or another state to audit or otherwise determine unclaimed property that it or another state may be entitled to subject to a claim of custody. The department by rule may require the reporting of information needed to enable compliance with agreements made pursuant to this section and prescribe the form.

(2) To avoid conflicts between the department's procedures and the procedures of administrators in other jurisdictions that enact the Uniform Unclaimed Property Act, the department, so far as is consistent with the purposes, policies, and provisions of this chapter, before adopting, amending or repealing rules, shall advise and consult with administrators in other jurisdictions that enact substantially the Uniform Unclaimed Property Act and take into consideration the rules of administrators in other jurisdictions that enact the Uniform Unclaimed Property Act.

(3) The department may join with other states to seek enforcement of this chapter against any person who is or may be holding property reportable under this chapter.

(4) At the request of another state, the attorney general of this state may bring an action in the name of the administrator of the other state in any court of competent jurisdiction to enforce the unclaimed property laws of the other state against a holder in this state of property subject to escheat or a claim of abandonment by the other state, if the other state has agreed to pay expenses incurred by the attorney general in bringing the action.

(5) The department may request that the attorney general of another state or any other person bring an action in the name of the department in the other state. This state shall pay all expenses including attorney's fees in any action under this subsection. The department may agree to pay the person bringing the action attorney's fees based in whole or in part on a percentage of the value of any property recovered in the action. Any expenses paid pursuant to this subsection may not be deducted from the amount that is subject to the claim by the owner under this chapter.

NEW SECTION. Sec. 34. INTEREST AND PENALTIES. (1) A person who fails to pay or deliver property within the time prescribed by this chapter shall be required to pay to the department interest at the maximum rate permitted under RCW 19.52.020 from the date the property should have been paid or delivered.

(2) A person who wilfully fails to render any report, to pay or deliver property, or to perform other duties required under this chapter shall pay a civil penalty of one hundred dollars for each day the report is withheld or the duty is not performed, but not more than five thousand dollars, plus one

hundred percent of the value of the property which should have been reported, paid or delivered.

(3) A person who wilfully refuses after written demand by the department to pay or deliver property to the department as required under this chapter or who enters into a contract to avoid the duties of this chapter is guilty of a gross misdemeanor and upon conviction may be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.

**NEW SECTION. Sec. 35. PENALTY FOR EXCESSIVE FEE FOR LOCATING ABANDONED PROPERTY.** It is unlawful for any person to seek or receive from any person or contract with any person for any fee or compensation for locating or purporting to locate any property which he knows has been reported or paid or delivered to the department of revenue pursuant to this chapter in excess of five percent of the value thereof returned to such owner. Any person violating this section is guilty of a misdemeanor and shall be fined not less than the amount of the fee or charge he has sought or received or contracted for, and not more than ten times such amount, or imprisoned for not more than thirty days, or both.

**NEW SECTION. Sec. 36. FOREIGN TRANSACTIONS.** This chapter does not apply to any property held, due, and owing in a foreign country and arising out of a foreign transaction.

**NEW SECTION. Sec. 37. EFFECT OF NEW PROVISIONS—CLARIFICATION OF APPLICATION.** (1) This chapter does not relieve a holder of a duty that arose before the effective date of this act to report, pay, or deliver property. A holder who did not comply with the law in effect before the effective date of this act is subject to the applicable enforcement and penalty provisions that then existed and they are continued in effect for the purpose of this subsection, subject to section 29(2) of this act.

(2) The initial report to be filed under this chapter shall include all property which is presumed abandoned under this chapter. The report shall include property that was not required to be reported before the effective date of this act but which would have been presumed abandoned on or after September 1, 1979 under the terms of sections 1 through 42 of this 1983 act.

(3) It shall be a defense to any action by the department that facts cannot be established because a holder, prior to January 1, 1983, destroyed or lost records or did not then keep records, if the destruction, loss, or failure to keep records did not violate laws existing at the time of the destruction, loss or failure.

**NEW SECTION. Sec. 38. RULES.** The department may adopt necessary rules in accordance with chapter 34.04 RCW to carry out the provisions of this chapter.

NEW SECTION. Sec. 39. INFORMATION AND RECORDS CONFIDENTIAL. Any information or records required to be furnished to the department of revenue as provided in this chapter shall be confidential and shall not be disclosed to any person except the person who furnished the same to the department of revenue, and except as provided in sections 18 and 23 of this act, or as may be necessary in the proper administration of this chapter.

NEW SECTION. Sec. 40. CAPTIONS NOT LAW. Captions as used in sections of this act shall not constitute any part of the law.

NEW SECTION. Sec. 41. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter shall be applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION. Sec. 42. SHORT TITLE. This chapter may be cited as the Uniform Unclaimed Property Act of 1983.

NEW SECTION. Sec. 43. SEVERABILITY. 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. 44. LEGISLATIVE DIRECTIVE. Sections 1 through 42 of this act are added to Title 63 RCW as a new chapter thereof.

NEW SECTION. Sec. 45. The department shall study the effects of any deviations from the model Uniform Unclaimed Property Act which are contained in this act. The department shall report its findings, including any recommended legislation, to the legislature before October 1, 1984.

NEW SECTION. Sec. 46. The following acts or parts thereof are each hereby repealed:

(1) Section 1, chapter 385, Laws of 1955, section 27, chapter 26, Laws of 1967 ex. sess., section 6, chapter 107, Laws of 1979 and RCW 63.28.070;

(2) Section 2, chapter 385, Laws of 1955, section 1, chapter 59, Laws of 1975-'76 2nd ex. sess., section 1, chapter 1, Laws of 1981 2nd ex. sess. and RCW 63.28.080;

(3) Section 3, chapter 385, Laws of 1955, section 2, chapter 1, Laws of 1981 2nd ex. sess. and RCW 63.28.090;

(4) Section 4, chapter 385, Laws of 1955, section 3, chapter 1, Laws of 1981 2nd ex. sess. and RCW 63.28.100;

(5) Section 5, chapter 385, Laws of 1955 and RCW 63.28.110;

(6) Section 6, chapter 385, Laws of 1955 and RCW 63.28.120;

(7) Section 7, chapter 385, Laws of 1955, section 4, chapter 1, Laws of 1981 2nd ex. sess. and RCW 63.28.130;

(8) Section 8, chapter 385, Laws of 1955, section 5, chapter 1, Laws of 1981 2nd ex. sess. and RCW 63.28.140;



(9) Section 9, chapter 385, Laws of 1955, section 1, chapter 11, Laws of 1955 ex. sess., section 6, chapter 1, Laws of 1981 2nd ex. sess. and RCW 63.28.150;

(10) Section 10, chapter 385, Laws of 1955 and RCW 63.28.160;

(11) Section 11, chapter 385, Laws of 1955 and RCW 63.28.170;

(12) Section 12, chapter 385, Laws of 1955 and RCW 63.28.180;

(13) Section 13, chapter 385, Laws of 1955 and RCW 63.28.190;

(14) Section 14, chapter 385, Laws of 1955 and RCW 63.28.200;

(15) Section 15, chapter 385, Laws of 1955 and RCW 63.28.210;

(16) Section 16, chapter 385, Laws of 1955 and RCW 63.28.220;

(17) Section 1, chapter 117, Laws of 1979 ex. sess. and RCW 63.28.225;

(18) Section 17, chapter 385, Laws of 1955 and RCW 63.28.230;

(19) Section 18, chapter 385, Laws of 1955 and RCW 63.28.240;

(20) Section 19, chapter 385, Laws of 1955 and RCW 63.28.250;

(21) Section 20, chapter 385, Laws of 1955 and RCW 63.28.260;

(22) Section 21, chapter 385, Laws of 1955 and RCW 63.28.270;

(23) Section 22, chapter 385, Laws of 1955 and RCW 63.28.280;

(24) Section 23, chapter 385, Laws of 1955 and RCW 63.28.290;

(25) Section 24, chapter 385, Laws of 1955 and RCW 63.28.300;

(26) Section 25, chapter 385, Laws of 1955 and RCW 63.28.310;

(27) Section 26, chapter 385, Laws of 1955 and RCW 63.28.320;

(28) Section 27, chapter 385, Laws of 1955 and RCW 63.28.330;

(29) Section 28, chapter 385, Laws of 1955 and RCW 63.28.340;

(30) Section 29, chapter 385, Laws of 1955 and RCW 63.28.350;

(31) Section 1, chapter 289, Laws of 1959, section 4, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.28.360;

(32) Section 32, chapter 385, Laws of 1955 and RCW 63.28.900;

(33) Section 31, chapter 385, Laws of 1955 and RCW 63.28.910; and

(34) Section 30, chapter 385, Laws of 1955 and RCW 63.28.920.

**NEW SECTION.** Sec. 47. EFFECTIVE DATE. 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 June 30, 1983.

Passed the House April 23, 1983.

Passed the Senate April 22, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 180

[House Bill No. 185]

## STATE HIGHWAY ROUTES MODIFIED—SR 12—SR 109—SR 291

AN ACT Relating to state highway routes; amending section 12, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.055; amending section 41, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.200; amending section 106, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.525; creating a new section; and repealing section 95, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.470.

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

Sec. 1. Section 12, chapter 51, Laws of 1970 ex. sess. and RCW 47.17-.055 are each amended to read as follows:

A state highway to be known as state route number 12 is established as follows:

Beginning at a junction with state route number 101 at Aberdeen, thence easterly by way of Montesano and Elma to a junction with state route number 8 in the vicinity of Elma; also

From that junction with state route number 8 in the vicinity of Elma, thence southeasterly to a junction with state route number 5 in the vicinity north of Centralia; also

Beginning at a junction with state route number 5 in the vicinity south of Chehalis, thence easterly by way of Morton and White Pass to a junction with state route number 410 northwest of Yakima; also

From that junction with state route number 410 northwest of Yakima, thence southeasterly to a junction with state route number 82 at Yakima; also

Beginning at a junction with state route number 82 near (~~Union Gap~~) Prosser, thence southeasterly by the most feasible route by way of Pasco and Wallula to Walla Walla, thence northerly by way of Dayton to a junction with state route number 127 at Dodge; also

From that junction with state route number 127 in the vicinity of Dodge, thence easterly by the most feasible route by way of Pomeroy and Clarkston to the Washington-Idaho boundary line.

Sec. 2. Section 41, chapter 51, Laws of 1970 ex. sess. and RCW 47.17-.200 are each amended to read as follows:

A state highway to be known as state route number 109 is established as follows:

Beginning at a junction with state route number 101 in Hoquiam, thence northwesterly by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with state route number 101 in the vicinity of Queets; also a bypass beginning at a junction with state route number 101 in the vicinity of the north city limits of Hoquiam, thence southerly to a junction

with state route number 109 in the vicinity of the west city limits of Hoquiam.

**NEW SECTION.** Sec. 3. The state highway known as state route number 251 beginning at the junction with state route number 25 at Northport, thence northeasterly to the international boundary in the vicinity of Boundary is returned to Stevens county as a county road.

Sec. 4. Section 106, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.525 are each amended to read as follows:

A state highway to be known as state route number 291 is established as follows:

Beginning at a junction with state route number 2 in Spokane, thence northwesterly along the north bank of the Spokane river to ((a point in Stevens county across the Spokane river from the Riverside State Park at the boundary line common to Stevens and Spokane counties)) the vicinity of TumTum; and thence southwesterly along the north shore of Long Lake to a junction with state route number 231 in the vicinity of the Little Falls Dam.

**NEW SECTION.** Sec. 5. Section 95, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.470 are each repealed.

Passed the House April 22, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 181

[Engrossed Substitute House Bill No. 197]

### JURY DUTY—EXCUSE FROM—PRIOR JURY DUTY

AN ACT Relating to jurors; and amending section 7, chapter 57, Laws of 1911 as amended by section 3, chapter 135, Laws of 1979 ex. sess. and RCW 2.36.100.

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

Sec. 1. Section 7, chapter 57, Laws of 1911 as amended by section 3, chapter 135, Laws of 1979 ex. sess. and RCW 2.36.100 are each amended to read as follows:

Except for a person who is not qualified for jury service under RCW 2.36.070, no person may be excused from jury service by the court except upon a showing of undue hardship, extreme inconvenience, public necessity, prior jury service twice in the last five years, or any reason deemed sufficient by the court for a period of time the court deems necessary. An excuse for prior service shall apply only in class AA and class A counties, and shall be granted only upon the written request of the prospective juror, which request shall certify the terms of prior service. Prior jury service may include

service in superior court, a court of limited jurisdiction or in the United States District Court.

Passed the House April 22, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 182

[Engrossed House Bill No. 203]

### PHANTOM VEHICLES—AUTOMOBILE INSURANCE

AN ACT Relating to casualty insurance; amending section 27, chapter 150, Laws of 1967 as last amended by section 1, chapter 150, Laws of 1981 and RCW 48.22.030; and amending section 3, chapter 95, Laws of 1967 ex. sess. as amended by section 2, chapter 117, Laws of 1980 and RCW 48.22.040.

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

Sec. 1. Section 27, chapter 150, Laws of 1967 as last amended by section 1, chapter 150, Laws of 1981 and RCW 48.22.030 are each amended to read as follows:

(1) "Underinsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance, or use of which either no bodily injury or property damage liability bond or insurance policy applies at the time of an accident, or with respect to which the sum of the limits of liability under all bodily injury or property damage liability bonds and insurance policies applicable to a covered person after an accident is less than the applicable damages which the covered person is legally entitled to recover.

(2) No new policy or renewal of an existing policy insuring against loss resulting from liability imposed by law for bodily injury ((or)),<sub>2</sub> death,<sub>2</sub> or property damage,<sub>2</sub> suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle shall be issued with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of underinsured motor vehicles ((and)),<sub>2</sub> hit-and-run motor vehicles, and phantom vehicles because of bodily injury ((or)),<sub>2</sub> death,<sub>2</sub> or property damage, resulting therefrom, except while operating or occupying a motorcycle or motor-driven cycle, and except while operating or occupying a motor vehicle owned or available for the regular use by the named insured or any family member, and which is not insured under the liability coverage of the policy( ~~(- PROVIDED, HOWEVER, That the coverage for property damage need only be offered as an optional supplemental coverage with the issuance of the coverage for bodily injury or death))~~).

(3) Coverage required under subsection (2) of this section shall be in the same amount as the insured's third party liability coverage unless the insured rejects all or part of the coverage as provided in subsection (4) of this section. Coverage for property damage need only be issued in conjunction with coverage for bodily injury or death. Property damage coverage required under subsection (2) of this section shall mean physical damage to the insured motor vehicle unless the policy specifically provides coverage for the contents thereof or other forms of property damage.

(4) The named insured may reject, in writing, underinsured coverage for ~~((either))~~ bodily injury or death, or property damage, and the requirements of subsections (2) and (3) of this section shall not apply. If the named insured has rejected underinsured coverage, such coverage shall not be included in any supplemental or renewal policy unless the named insured subsequently requests such coverage in writing. The requirement of a written rejection under this subsection shall apply only to the original issuance of policies issued after the effective date of this act and not to any renewal or replacement policy.

(5) The limit of liability under the policy coverage may be defined as the maximum limits of liability for all damages resulting from any one accident regardless of the number of covered persons, claims made, or vehicles or premiums shown on the policy, or premiums paid, or vehicles involved in an accident.

(6) The policy may provide that if an injured person has other similar insurance available to him under other policies, the total limits of liability of all coverages shall not exceed the higher of the applicable limits of the respective coverages.

(7) (a) The policy may provide for a deductible of not more than three hundred dollars for payment for property damage when the damage is caused by a hit-and-run driver or a phantom vehicle.

(b) In all other cases of underinsured property damage coverage, the policy may provide for a deductible of not more than one hundred dollars.

(8) For the purposes of this chapter, a "phantom vehicle" shall mean a motor vehicle which causes bodily injury, death, or property damage to an insured ~~((arising out of a motor vehicle accident which is caused by an automobile which))~~ and has no physical contact with the insured or the vehicle which the insured is occupying at the time of the accident((;)) if:

(a) The facts of ~~((which))~~ the accident can be corroborated by competent evidence other than the testimony of the insured or any person having an ~~((uninsured))~~ underinsured motorist claim resulting from the accident((;)); and

(b) ~~((The insured or someone on his behalf shall have reported))~~ The accident has been reported to the appropriate law enforcement agency within seventy-two hours of the accident.

Sec. 2. Section 3, chapter 95, Laws of 1967 ex. sess. as amended by section 2, chapter 117, Laws of 1980 and RCW 48.22.040 are each amended to read as follows:

(1) The term "underinsured motor vehicles" with reference to coverage offered under any insurance policy regulated under this chapter shall, subject to the terms and conditions of such coverage, be deemed to include an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency.

(2) An insurer's insolvency protection shall be applicable only to accidents occurring during a policy period in which its insured's underinsured motorist coverage is in effect where the liability insurer of the tort-feasor becomes insolvent within three years after such an accident. Nothing herein contained shall be construed to prevent any insurer from affording insolvency protection under terms and conditions more favorable to its insureds than is provided hereunder.

(3) In the event of payment to an insured under the coverage required by this chapter and subject to the terms and conditions of such coverage, the insurer making such payment shall, to the extent thereof, be entitled to the proceeds of any settlement or judgment resulting from the exercise of any rights of recovery of such insured against any person or organization legally responsible for the bodily injury, death, or property damage for which such payment is made, including the proceeds recoverable from the assets of the insolvent insurer. Whenever an insurer shall make payment under the coverage required by this section and which payment is occasioned by an insolvency, such insurer's right of recovery or reimbursement shall not include any rights against the insured of said insolvent insurer(~~;~~ ~~but~~) for any amounts which would have been paid by the insolvent insurer. Such paying insurer shall have the right to proceed directly against the insolvent insurer or its receiver, and in pursuance of such right such paying insurer shall possess any rights which the insured of the insolvent company might otherwise have had, if the insured of the insolvent insurer had personally made the payment.

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.

Passed the House April 20, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 183

[Engrossed Substitute House Bill No. 232]

## IN-STATE PREFERENCE CLAUSES—RECIPROCITY

AN ACT Relating to state purchasing; amending section 43.19.1911, chapter 8, Laws of 1965 as amended by section 8, chapter 172, Laws of 1980 and RCW 43.19.1911; and adding new sections to chapter 43.19 RCW.

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

**NEW SECTION.** Sec. 1. There is added to chapter 43.19 RCW a new section to read as follows:

The legislature finds that in-state preference clauses used by other states in procuring goods and services have a discriminatory effect against Washington vendors with resulting harm to this state's revenues and the welfare of this state's citizens. This act is intended to promote fairness in state government procurement by requiring that, when appropriate, Washington exercise reciprocity with those states having in-state preferences, and it shall be liberally construed to that effect.

**NEW SECTION.** Sec. 2. There is added to chapter 43.19 RCW a new section to read as follows:

The director of general administration shall compile a list of the statutes and regulations, relating to state purchasing, of each state, which statutes and regulations the director believes grant a preference to vendors located within the state or goods manufactured within the state. At least once every twelve months the director shall update the list.

**NEW SECTION.** Sec. 3. There is added to chapter 43.19 RCW a new section to read as follows:

The director of general administration shall adopt and apply rules designed to provide for some reciprocity in bidding between Washington and those states having statutes or regulations on the list under section 2 of this act. The director of general administration shall have broad discretionary power in developing these rules and the rules shall provide for reciprocity only to the extent and in those instances where the director considers it appropriate. For the purpose of determining the lowest responsible bidder pursuant to RCW 43.19.1911, such rules shall (1) require the director to impose a reciprocity increase on bids when appropriate under the rules and (2) establish methods for determining the amount of the increase. In no instance shall such increase, if any, be paid to a vendor whose bid is accepted.

Sec. 4. Section 43.19.1911, chapter 8, Laws of 1965 as amended by section 8, chapter 172, Laws of 1980 and RCW 43.19.1911 are each amended to read as follows:

When purchases are made through competitive bidding, the contract shall be let to the lowest responsible bidder, subject to any preferences provided by law to Washington products and vendors and to section 3 of this 1983 act, taking into consideration the quality of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, and the times of delivery: **PROVIDED**, That whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the division of purchasing may call for new bids or enter into direct negotiations to achieve the best possible price. Each bid with the name of the bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection. In determining "lowest responsible bidder", in addition to price, the following elements shall be given consideration:

(1) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

(2) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(3) Whether the bidder can perform the contract within the time specified;

(4) The quality of performance of previous contracts or services;

(5) The previous and existing compliance by the bidder with laws relating to the contract or services;

(6) Such other information as may be secured having a bearing on the decision to award the contract: **PROVIDED**, That in considering bids for purchase, manufacture, or lease, and in determining the "lowest responsible bidder," whenever there is reason to believe that applying the "life cycle costing" technique to bid evaluation would result in lowest total cost to the state, first consideration shall be given by state purchasing activities to the bid with the lowest life cycle cost which complies with specifications. "Life cycle cost" means the total cost of an item to the state over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner.

Passed the House April 20, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.



## CHAPTER 184

[House Bill No. 260]

## CRIMINAL HISTORY RECORD INFORMATION—STATE PATROL TO CHARGE FEES FOR NONCRIMINAL JUSTICE SYSTEM REQUESTS

AN ACT Relating to the Washington state patrol; and amending section 13, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.760.

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

Sec. 1. Section 13, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.760 are each amended to read as follows:

(1) Whenever a resident of this state appears before any law enforcement agency and requests an impression of his fingerprints to be made, such agency may comply with his request and make the required copies of the impressions on forms marked "Personal Identification". The required copies shall be forwarded to the section and marked "for personal identification only".

~~((2))~~ The section shall accept and file such fingerprints submitted voluntarily by such resident, for the purpose of securing a more certain and easy identification in case of death, injury, loss of memory, or other similar circumstances. Upon the request of such person, the section shall return his identification data.

~~((3))~~ (2) Whenever any person is an applicant for appointment to any position or is an applicant for employment or is an applicant for a license to be issued by any governmental agency, and the law or a regulation of such governmental agency requires that the applicant be of good moral character or not have been convicted of a crime, or is an applicant for appointment to or employment with a criminal justice agency, the applicant may request any law enforcement agency to make an impression of his fingerprints to be submitted to the section. The law enforcement agency may comply with such request and make copies of the impressions on forms marked "applicant", and submit such copies to the section.

The section shall accept such fingerprints and shall cause its files to be examined and shall promptly send to the appointing authority, employer, or licensing authority indicated on the form of application, a transcript of the record of previous crimes committed by the person described on the data submitted, or if there is no record of his commission of any crimes, a statement to that effect.

(3) The Washington state patrol shall charge fees for processing of noncriminal justice system requests for criminal history record information pursuant to this section which will cover, as nearly as practicable, the direct and indirect costs to the patrol of processing such requests.

Any law enforcement agency may charge a fee not to exceed five dollars for the purpose of taking fingerprint impressions or searching its files of identification for noncriminal purposes.

Passed the House April 20, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 185

[Engrossed House Bill No. 269]

### PROPERTY TAX EXEMPTIONS—CESSATION OF QUALIFYING USE—BACK TAXES—INTEREST—CONDITIONS

AN ACT Relating to property tax exemptions; and amending section 8, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 5, chapter 141, Laws of 1981 and RCW 84.36.810.

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

Sec. 1. Section 8, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 5, chapter 141, Laws of 1981 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, 84.36.060, and 84.36.037, ~~((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:~~

~~(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))~~ property has been granted an exemption for more than ten years, ((no penalty shall)) taxes and interest shall not be assessed under this section.

~~((3) If the cessation of use under))~~ (2) Subsection((s)) (1) ((or (2))) of this section ((involves a portion of the total property exemptions the provisions of those subsections shall apply only to that portion: PROVIDED FURTHER, That such)) applies only when ownership of the property is transferred or when fifty-one percent or more of the area of the property

has lost its exempt status. The additional tax under subsection (1) of this section shall not be imposed if the cessation of use resulted solely from:

(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;

(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;

(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;

(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;

(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;

(f) Cancellation of a lease on property that had been exempt under RCW 84.36.040.

Passed the House March 18, 1983.

Passed the Senate April 22, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

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## CHAPTER 186

[Engrossed House Bill No. 284]

### "JUSTICE OF THE PEACE" REFERENCES REPLACED WITH "JUDGES OF ANY COURT OF LIMITED JURISDICTION"

AN ACT Relating to courts of limited jurisdiction; amending section 4, page 404, Laws of 1854 as last amended by section 69, chapter 81, Laws of 1971 and RCW 26.04.050; amending section 100, chapter 299, Laws of 1961 as last amended by section 8, chapter 162, Laws of 1980 and RCW 3.58.010; and amending section 122, chapter 299, Laws of 1961 and RCW 3.66.110.

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

Sec. 1. Section 4, page 404, Laws of 1854 as last amended by section 69, chapter 81, Laws of 1971 and RCW 26.04.050 are each amended to read as follows:

The following named officers and persons are hereby authorized to solemnize marriages, to wit: Justices of the supreme court, judges of the court of appeals, judges of the superior courts, any regularly licensed or ordained minister or any priest of any church or religious denomination anywhere within the state, and ~~((justices of the peace))~~ judges of any court of limited jurisdiction, as defined in RCW 3.02.010, within their respective counties.

Sec. 2. Section 100, chapter 299, Laws of 1961 as last amended by section 8, chapter 162, Laws of 1980 and RCW 3.58.010 are each amended to read as follows:

The annual salary of each full time district court judge shall be ninety percent of the salary of a judge of a superior court: 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 district court judge 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, as now or hereafter amended, 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.

Sec. 3. Section 122, chapter 299, Laws of 1961 and RCW 3.66.110 are each amended to read as follows:

It shall be a breach of judicial ethics for any ~~((justice of the peace))~~ judge of any court of limited jurisdiction, as defined in RCW 3.02.010, to advertise in any manner that he or she is authorized to solemnize marriages. Any violation of this section shall be grounds for forfeiture of office.

Passed the House April 23, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

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## CHAPTER 187

[House Bill No. 300]

### WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION AUTHORITY MODIFIED—TERMINATION POSTPONED

AN ACT Relating to the Washington state school directors' association; amending section 28A.61.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 151, Laws of 1979 and RCW 28A.61.030; amending section 28A.61.050, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 125, Laws of 1969 and RCW 28A.61.050; amending section 2, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.560; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.61 RCW; adding a new section to chapter 41.06 RCW; repealing section 28A.61.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.060; repealing section 30, chapter 99, Laws of 1979 and RCW 43.131.207; repealing section 72, chapter 99, Laws of 1979 and RCW 43.131.208; declaring an emergency; and providing an effective date.

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

Sec. 1. Section 28A.61.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 151, Laws of 1979 and RCW 28A.61.030 are each amended to read as follows:

The school directors' association shall have the power:

(1) To prepare and adopt, amend and repeal a constitution and rules and regulations, and bylaws for its own organization including county or regional units and for its government and guidance: PROVIDED, That action taken with respect thereto is consistent with the provisions of (~~RCW 28A.61.010 through 28A.61.060~~) this chapter or with other provisions of law;

(2) To arrange for and call such meetings of the association or of the officers and committees thereof as are deemed essential to the performance of its duties;

(3) To provide for the payment of travel and subsistence expenses incurred by members and/or officers of the association and association staff while engaged in the performance of duties under direction of the association in the manner provided by RCW 28A.58.310;

(4) To employ an executive secretary and other staff and pay such employees out of the funds of the association;

(5) To conduct studies and disseminate information therefrom relative to increased efficiency in local school board administration;

(6) To buy, sell or exchange such personal and real property as necessary for the efficient operation of the association;

(7) To purchase liability insurance for school directors, which insurance may indemnify said directors against any or all liabilities for personal or bodily injuries and property damage arising from their acts or omissions while performing or while in good faith purporting to perform their official duties as school directors;

(8) Upon request by a local school district board(s) of directors, to make available on a cost reimbursable contract basis (a) specialized services, (b) research information, and (c) consultants to advise and assist district board(s) in particular problem areas: PROVIDED, That such services, information, and consultants are not already available from other state agencies, (~~intermediate school~~) educational service districts, or from the information and research services authorized by RCW 28A.58.530: PROVIDED FURTHER, That any such contract shall be filed with the office of financial management and the legislative budget committee prior to the date any work commences under any such contract.

Sec. 2. Section 28A.61.050, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 125, Laws of 1969 and RCW 28A.61.050 are each amended to read as follows:

The school directors' association may establish a graduated schedule of dues for members of the association based upon the number of certificated

personnel in each district. Dues shall be established for the directors of each district as a group. The total of all dues assessed shall not exceed twenty-seven cents for each one thousand dollars of the state-wide total of all school districts' general fund receipts. The board of directors of a school district shall make provision for payment out of the general fund of the district of the dues of association members resident in the district, which payment shall be made in the manner provided by law for the payment of other claims against the general fund of the district. The dues for each school district shall be due and payable on the first day of January of each year(~~and if not paid by any district before the thirty-first day of December of any year the executive committee of the association may present a written request to the county auditor that such payment be made by him by transfer of funds from the general fund of the district. Upon receipt of such request the county auditor shall make such transfer~~)).

Sec. 3. Section 2, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.560 are each amended to read as follows:

As used in RCW 43.19.565 through 43.19.635, 43.41.130 and 43.41.140, the following definitions shall apply:

(1) "Passenger motor vehicle" means any sedan, station wagon, bus, or light truck which is designed for carrying ten passengers or less and is used primarily for the transportation of persons;

(2) "State agency" shall include any state office, agency, commission, department, or institution financed in whole or in part from funds appropriated by the legislature. It shall also include the Washington state school director's association and the state printer, but it shall not include (a) the state supreme court or any agency of the judicial branch or (b) the legislature or any of its statutory, standing, special, or interim committees, other than at the option of the judicial or legislative agency or committee concerned;

(3) "Employee commuting" shall mean travel by a state officer or employee to or from his or her official residence or other domicile to or from his or her official duty station or other place of work;

(4) "Motor vehicle transportation services" shall include but not be limited to the furnishing of motor vehicles for the transportation of persons or property, with or without drivers, and may also include furnishing of maintenance, storage, and other support services to state agencies for the conduct of official state business.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.61 RCW a new section to read as follows:

The association shall contract with the department of personnel for the department of personnel to audit in odd-numbered years the association's staff classifications and employees' salaries. The association shall give copies of the audit reports to the office of financial management, the legislative

budget committee, and the committees of each house of the legislature dealing with common schools.

NEW SECTION. Sec. 5. There is added 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 to officers and employees of the Washington state school directors' association.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.61 RCW a new section to read as follows:

The powers and duties of the school director's association terminate on June 30, 1989. This chapter and section 5 of this act expire June 30, 1990. The school director's association shall be reviewed before termination under chapter 43.131 RCW.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 28A.61.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.060;

(2) Section 30, chapter 99, Laws of 1979 and RCW 43.131.207; and

(3) Section 72, chapter 99, Laws of 1979 and RCW 43.131.208.

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 June 30, 1983.

Passed the House April 19, 1983.

Passed the Senate April 14, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 188

[Engrossed House Bill No. 318]

### PUBLIC MOORAGE FACILITIES—OPERATOR REGULATION AUTHORITY

AN ACT Relating to public moorage facilities; adding new sections to chapter 53.08 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 and 2 of this act.

(1) "Port charges" mean charges of a moorage facility operator for moorage and storage, and all other charges owing or to become owing under a contract between a vessel owner and the moorage facility operator, or under an officially adopted tariff including, but not limited to, costs of sale and related legal expenses.

(2) "Vessel" means every species of watercraft or other artificial contrivance capable of being used as a means of transportation on water and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft.

(3) "Moorage facility" means any properties or facilities owned or operated by a moorage facility operator which are capable of use for the moorage or storage of vessels.

(4) "Moorage facility operator" means any port district, city, town, metropolitan park district, or county which owns and/or operates a moorage facility.

(5) "Owner" means every natural person, firm, partnership, corporation, association, or organization, or agent thereof, with actual or apparent authority, who expressly or impliedly contracts for use of a moorage facility.

NEW SECTION. Sec. 2. A moorage facility operator may adopt all regulations necessary for rental and use of moorage facilities and for the expeditious collection of port charges. The regulations may also establish procedures for the enforcement of these regulations by port district, city, county, metropolitan park district or town personnel. The regulations shall include the following:

(1) Procedures authorizing moorage facility personnel to take reasonable measures, including the use of chains, ropes, and locks, to secure vessels within the moorage facility so that the vessels are in the possession and control of the moorage facility operator and cannot be removed from the moorage facility. These procedures may be used if an owner mooring or storing a vessel at the moorage facility fails, for more than sixty days after being notified that charges are owing, to pay the port charges owed. Notification shall be by registered mail to the owner at his last known address. If no address was furnished by the owner, the port district, city, county, metropolitan park district, or town need not give such notice. At the time of securing the vessel, an authorized moorage facility employee shall attach to the vessel two readily visible notification stickers. The stickers shall be of a reasonable size and shall contain the following information:

(a) The date and time the stickers were attached;

(b) The identity of the authorized employee;

(c) A statement that if the account is not paid in full within one hundred eighty days from the time the stickers are attached, the vessel may be sold at public auction to satisfy the port charges; and

(d) The address and telephone number where additional information may be obtained concerning release of the vessel.

If the vessel is the subject of a delinquent moorage account, and sixty days have expired since notification pursuant to subsection (1) of this section, the moorage facility operator shall review its records to ascertain the identity of the owner. The operator shall make a reasonable effort to contact



the owner by registered mail in order to give the owner the information on the notification stickers.

(2) Procedures authorizing moorage facility personnel at their discretion to move moored vessels ashore for storage within properties under the operator's control or for storage with private persons under their control as bailees of the moorage facility, if the vessel is, in the opinion of port personnel, in danger of sinking or of sustaining other damage. Reasonable costs of any such procedure shall be paid by the vessel's owner.

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this section, the owner who is obligated to the moorage facility operator for port charges may regain possession of the vessel by:

(a) Making arrangements satisfactory with the moorage facility operator for the immediate removal of the vessel from the moorage facility or for authorized moorage; and

(b) Making payment to the operator of all port charges, or by posting with the operator a sufficient cash bond or other security acceptable to such operator, to be held in trust by the operator pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the port charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, the trust shall terminate and the moorage facility operator shall receive so much of the bond or other security as is necessary to satisfy any judgment, costs, and interest as may be awarded to the moorage facility operator. The balance shall be refunded immediately to the owner at his last known address.

(4) If a vessel moored or stored at a moorage facility is abandoned, the port district, city, county, metropolitan park district, or town, may, by resolution of its legislative authority, authorize the public sale of the vessel by authorized personnel to the highest and best bidder for cash as follows:

(a) If a vessel has been secured by the moorage facility operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within one hundred eighty days after notifying the owner under subsection (1) of this section, or in all other cases, for one hundred eighty days after the operator secures the vessel, the vessel shall be conclusively presumed to have been abandoned by the owner;

(b) Before the vessel is sold, the owner of the vessel shall be given at least twenty days' notice of the sale in the manner set forth in subsection (1) of this section if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of port charges owed with respect to the vessel. The notice of sale shall be published at least once, more than ten but not more than twenty days before the sale, in a newspaper of general

circulation in the county in which the moorage facility is located. Such notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The moorage facility operator may bid all or part of its port charges at the sale and may become a purchaser at the sale;

(c) The proceeds of a sale under section 2 of this act shall first be applied to the payment of port charges. The balance, if any, shall be paid to the owner. If the owner cannot in the exercise of due diligence be located by the moorage facility operator within one year of the date of the sale, the excess funds from the sale shall revert to the department of revenue pursuant to chapter 63.28 RCW. If the sale is for a sum less than the applicable port charges, the moorage facility operator is entitled to assert a claim for a deficiency.

(5) The regulations authorized under this section shall be enforceable only if the moorage facility has had its tariff containing such regulations conspicuously posted at all moorage facility offices at all times.

NEW SECTION. Sec. 3. Nothing contained in sections 1 and 2 of this act may be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable laws of port districts, cities, towns, metropolitan park districts, or counties.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act are added to chapter 53.08 RCW. The code reviser shall put cross references to sections 1 and 2 of this act in Titles 35 and 36 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.

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 April 23, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

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## CHAPTER 189

[Substitute House Bill No. 325]

### OBSOLETE FUNDS—CERTAIN DISESTABLISHED—GENERAL FUND CASH FLOW DEFICIENCIES

AN ACT Relating to state government; disestablishing certain obsolete funds; removing certain obsolete sections relating to education; establishing a fund in the state treasury;



repealing section 7, chapter 66, Laws of 1975-'76 2nd ex. sess. and RCW 47.10.786; repealing section 8, chapter 66, Laws of 1975-'76 2nd ex. sess. and RCW 47.10.787; repealing section 9, chapter 66, Laws of 1975-'76 2nd ex. sess. and RCW 47.10.788; repealing section 1, chapter 298, Laws of 1957 and RCW 72.99.070; repealing section 2, chapter 298, Laws of 1957 and RCW 72.99.080; repealing section 3, chapter 298, Laws of 1957 and RCW 72.99.090; repealing section 4, chapter 298, Laws of 1957 and RCW 72.99.100; repealing section 5, chapter 298, Laws of 1957 and RCW 72.99.110; repealing section 6, chapter 298, Laws of 1957, section 37, chapter 278, Laws of 1975 1st ex. sess. and RCW 72.99.120; repealing section 7, chapter 298, Laws of 1957 and RCW 72.99.130; repealing section 8, chapter 298, Laws of 1957 and RCW 72.99.140; repealing section 9, chapter 298, Laws of 1957 and RCW 72.99.150; repealing section 10, chapter 298, Laws of 1957 and RCW 72.99.160; and declaring an emergency.

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

NEW SECTION. Sec. 1. The following acts or parts thereof are each hereby repealed:

(1) Section 28A.47.130, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.130;

(2) Section 28A.47.140, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.140;

(3) Section 28A.47.170, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.170;

(4) Section 28A.47.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.180;

(5) Section 28A.47.210, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.210;

(6) Section 28A.47.220, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.220;

(7) Section 28A.47.230, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.230;

(8) Section 28A.47.420, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.420;

(9) Section 28A.47.435, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.435;

(10) Section 28A.47.445, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.445;

(11) Section 28A.47.450, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.450;

(12) Section 28A.47.460, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.460;

(13) Section 28A.47.470, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.470;

(14) Section 28A.47.480, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.480;

(15) Section 28A.47.490, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.490;

(16) Section 28A.47.500, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.500;

- (17) Section 28A.47.510, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.510;
- (18) Section 28A.47.520, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.520;
- (19) Section 28A.47.530, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.530;
- (20) Section 28A.47.540, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.540;
- (21) Section 28A.47.560, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.560;
- (22) Section 28A.47.570, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.570;
- (23) Section 28A.47.580, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.580;
- (24) Section 28A.47.590, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.590;
- (25) Section 28A.47.600, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.600;
- (26) Section 28A.47.610, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.610;
- (27) Section 28A.47.620, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.620;
- (28) Section 28A.47.630, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.630;
- (29) Section 28A.47.640, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.640;
- (30) Section 28A.47.650, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.650;
- (31) Section 28A.47.660, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.660;
- (32) Section 28A.47.680, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.680;
- (33) Section 28A.47.690, chapter 223, Laws of 1969 ex. sess., section 37, chapter 141, Laws of 1979 and RCW 28A.47.690;
- (34) Section 28A.47.700, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.700;
- (35) Section 28A.47.710, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.710;
- (36) Section 28A.47.720, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.720;
- (37) Section 28A.47.722, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.722;
- (38) Section 28A.47.724, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.724;

- (39) Section 28A.47.726, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.726;
- (40) Section 28A.47.728, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.728;
- (41) Section 28A.47.730, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.730;
- (42) Section 28A.47.732, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.732;
- (43) Section 28A.47.734, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.734;
- (44) Section 28A.47.736, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.736;
- (45) Section 28A.47.738, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.738;
- (46) Section 28A.47.742, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.742;
- (47) Section 28A.47.744, chapter 223, Laws of 1969 ex. sess., section 38, chapter 141, Laws of 1979 and RCW 28A.47.744;
- (48) Section 28A.47.746, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.746;
- (49) Section 28A.47.748, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.748; and
- (50) Section 28A.47.750, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.750.

Sec. 2. Section 28A.47.440, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 157, Laws of 1972 ex. sess. and RCW 28A.47.440 are each amended to read as follows:

In addition to the taxes levied by RCW (~~(73.32.130 and)~~) 82.24.020, there is levied and shall be collected by the department of revenue from the persons mentioned in and in the manner provided by chapter 82.24 RCW, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling, possession or distribution of cigarettes in an amount equal to the rate of one-half mill per cigarette, but the provisions of RCW 82.24.070 allowing dealers' compensation for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the provisions of chapter 82.24 RCW shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one-half of one percent of the value of the stamps for such additional tax purchased or affixed by them. Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb such additional tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

Revenues derived from the tax imposed by this section shall be transmitted by the department of revenue to the state treasurer in accordance

with the provisions of RCW 82.32.320, to the credit of the ~~((public schools building bond redemption))~~ general fund. ~~((The amount so deposited in the aforesaid fund shall be devoted exclusively to payment of interest on and to retirement of the bonds authorized by RCW 28A.47.420.~~

~~As additional security for the payment of the bonds herein authorized, all revenues derived from the tax imposed by RCW 82.24.020 over and above the amount required by RCW 73.32.130 to be paid into and retained in the war veterans' compensation bond retirement fund shall be paid into the public schools building bond redemption fund and shall be devoted exclusively to the payment of interest on and to retirement of the bonds authorized by RCW 28A.47.420. PROVIDED, That whenever the receipts into the public schools building bond redemption fund from all sources during any one year exceed the annual amounts required for debt service, the balance shall be transferred by the state treasurer to the state general fund.))~~

Sec. 3. Section 7, chapter 157, Laws of 1972 ex. sess. as amended by section 1, chapter 22, Laws of 1975 1st ex. sess. and RCW 82.24.260 are each amended to read as follows:

Any retailer who sells or otherwise disposes of any unstamped cigarettes other than (1) a federal instrumentality with respect to sales to authorized military personnel and (2) a federally recognized Indian tribal organization with respect to sales to enrolled members of the tribe shall collect from the buyer or transferee thereof the tax imposed on such buyer or transferee by RCW 82.24.020~~((;))~~ and 28A.47.440, ~~((and 73.32.130;))~~ and remit the same to the department after deducting from the tax collected the compensation he would have been entitled to under the provisions of this chapter~~((;))~~ and RCW 28A.47.440 ~~((and 73.32.130))~~ if he had affixed stamps to the unstamped cigarettes. Such remittance shall be made at the same time and manner as remittances of the retail sales tax as required under chapters 82.08 and 82.32 RCW. In the event the retailer fails to collect the tax from the buyer or transferee, or fails to remit the same, the retailer shall be personally liable therefor, and shall be subject to the administrative provisions of RCW 82.24.230 with respect to the collection thereof by the department. The provisions of this section shall not relieve the buyer or possessor of unstamped cigarettes from personal liability for the tax imposed by RCW 82.24.020~~((;))~~ and 28A.47.440 ~~((and 73.32.130))~~.

Nothing in this section shall relieve a wholesaler or a retailer from the requirements of affixing stamps pursuant to RCW 82.24.040 and 82.24.050.

NEW SECTION. Sec. 4. The following acts or parts thereof are each repealed:

- (1) Section 1, chapter 298, Laws of 1957 and RCW 72.99.070;
- (2) Section 2, chapter 298, Laws of 1957 and RCW 72.99.080;
- (3) Section 3, chapter 298, Laws of 1957 and RCW 72.99.090;
- (4) Section 4, chapter 298, Laws of 1957 and RCW 72.99.100;
- (5) Section 5, chapter 298, Laws of 1957 and RCW 72.99.110;

(6) Section 6, chapter 298, Laws of 1957, section 37, chapter 278, Laws of 1975 1st ex. sess. and RCW 72.99.120;

(7) Section 7, chapter 298, Laws of 1957 and RCW 72.99.130;

(8) Section 8, chapter 298, Laws of 1957 and RCW 72.99.140;

(9) Section 9, chapter 298, Laws of 1957 and RCW 72.99.150; and

(10) Section 10, chapter 298, Laws of 1957 and RCW 72.99.160.

NEW SECTION. Sec. 5. After the effective date of this act, all moneys to the credit of any fund or account described in the sections being repealed by sections 1 and 4 of this act and all moneys thereafter paid to the state treasurer for or to the credit of such fund or account shall be transferred to the general fund. After the effective date of this act, any warrant drawn on any fund or account described in the sections being repealed by sections 1 and 4 of this act and not presented for payment shall be paid from the general fund, and the state treasurer shall pay such warrants when presented from the general fund.

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

(1) Section 1, chapter 66, Laws of 1975-'76 2nd ex. sess. and RCW 47.10.780;

(2) Section 2, chapter 66, Laws of 1975-'76 2nd ex. sess. and RCW 47.10.781;

(3) Section 3, chapter 66, Laws of 1975-'76 2nd ex. sess. and RCW 47.10.782;

(4) Section 4, chapter 66, Laws of 1975-'76 2nd ex. sess. and RCW 47.10.783;

(5) Section 5, chapter 66, Laws of 1975-'76 2nd ex. sess. and RCW 47.10.784;

(6) Section 6, chapter 66, Laws of 1975-'76 2nd ex. sess. and RCW 47.10.785;

(7) Section 7, chapter 66, Laws of 1975-'76 2nd ex. sess. and RCW 47.10.786;

(8) Section 8, chapter 66, Laws of 1975-'76 2nd ex. sess. and RCW 47.10.787; and

(9) Section 9, chapter 66, Laws of 1975-'76 2nd ex. sess. and RCW 47.10.788.

NEW SECTION. Sec. 7. After the effective date of this act, all moneys to the credit of any fund or account described in the sections being repealed by section 6 of this act and all moneys thereafter paid to the state treasurer for or to the credit of such fund or account shall be transferred to the motor vehicle fund. After the effective date of this act, any warrant drawn on any fund or account described in the sections being repealed by section 6 of this act and not presented for payment shall be paid from the motor vehicle



fund, and the state treasurer shall pay such warrants when presented from the motor vehicle fund.

**NEW SECTION.** Sec. 8. There is added to chapter 43.79 RCW a new section to read as follows:

In order to alleviate temporary cash flow deficiencies in the general fund, it has been and will continue to be necessary to borrow funds through issuance of certificates of indebtedness and to pay interest costs on outstanding certificates of indebtedness and to retire the principal thereof. In order to account for the interest cost of the loans and to pay the principal thereof, there is hereby created in the state treasury the loan principal and interest fund. All principal and interest payments required on certificates of indebtedness will be withdrawn from any general state revenues in the treasury and deposited in the loan principal and interest fund at the time or times required by the terms thereof and such loan principal and interest shall be paid from the loan principal and interest fund according to the terms and schedules established for such certificates.

**NEW SECTION.** Sec. 9. Section 8 of 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.

**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.

Passed the House March 27, 1983.

Passed the Senate April 24, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 190

[Engrossed House Bill No. 419]

### CEMETERY PREARRANGEMENT TRUST FUNDS—REPORTS

AN ACT Relating to prearrangement contracts; and amending section 9, chapter 68, Laws of 1973 1st ex. sess. as amended by section 5, chapter 351, Laws of 1977 ex. sess. and RCW 68.46.090.

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

Sec. 1. Section 9, chapter 68, Laws of 1973 1st ex. sess. as amended by section 5, chapter 351, Laws of 1977 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, the secretary or auditor preparing the same, and a certified public accountant in accordance with generally accepted auditing standards~~). These reports shall be verified by the president, or the vice president, and one other officer of the cemetery authority, the accountant or auditor who prepared the report, and, if required by the board for good cause, a certified public accountant in accordance with generally accepted auditing standards. Verification of these reports by a certified public accountant in accordance with generally accepted auditing standards shall be required on reports from cemetery authorities which manage prearrangement trust funds totaling in excess of five hundred thousand dollars.

Passed the House March 21, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 191

[Engrossed Substitute House Bill No. 431]

### JUVENILE OFFENDERS—CONSOLIDATED JUVENILE SERVICES— JUVENILE DISPOSITION STANDARDS

AN ACT Relating to juvenile justice; amending section 1, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.010; amending section 2, chapter 165, Laws of 1969 ex. sess. as amended by section 13, chapter 141, Laws of 1979 and RCW 13.06.020; amending section 3, chapter 165, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1979 and RCW 13.06.030; amending section 4, chapter 165, Laws of 1969 ex. sess. as amended by section 15, chapter 141, Laws of 1979 and RCW 13.06.040; amending section 5, chapter 165, Laws of 1969 ex. sess. as last amended by section 9, chapter 151, Laws of 1979 and RCW 13.06.050; amending section 57, chapter 291, Laws of 1977 ex. sess. as last amended by section 5, chapter 299, Laws of 1981 and RCW 13.40.030; amending section 57 [56], chapter 291, Laws of 1977 ex. sess. as last amended by section 5 [2], chapter 299, Laws of 1981 and RCW 13.40.020; amending section 70, chapter 291, Laws of 1977 ex. sess. as last amended by section 13, chapter 299, Laws of 1981 and RCW 13.40.160; amending section 73, chapter 291, Laws of 1977 ex. sess. as amended by section 69, chapter 155, Laws of 1979 and RCW 13.40.190; amending section 75, chapter 291, Laws of 1977 ex. sess. as amended by section 71, chapter 155, Laws of 1979 and RCW 13.40.210; amending section 72.05.130, chapter 28, Laws of 1959 as last amended by section 8, chapter 217, Laws of 1979 ex. sess. and RCW 72.05.130; amending section 3, chapter 160, Laws of 1913 as last amended by section 6, chapter 155, Laws of 1979 and RCW 13.04.040; amending section 74, chapter 291, Laws of 1977 ex. sess. as amended by section 70, chapter 155, Laws of 1979 and RCW 13.40.200; amending section 62, chapter 291, Laws of 1977 ex. sess. as last amended by section 8, chapter 299, Laws of 1981 and RCW 13.40.080; amending section 1, chapter 170, Laws of 1975 1st ex. sess. as last amended by section 17, chapter 299, Laws of 1981 and RCW 13.40.300; amending section 61, chapter 291, Laws of 1977 ex. sess. as last amended by section 7, chapter 299, Laws of 1981 and RCW 13.40.070; amending section 9, chapter 155, Laws of 1979 as

amended by section 19, chapter 299, Laws of 1981 and RCW 13.50.050; amending section 10, chapter 155, Laws of 1979 and RCW 13.50.100; adding new sections to chapter 13.40 RCW; repealing section 6, chapter 165, Laws of 1969 ex. sess., section 16, chapter 141, Laws of 1979, section 1, chapter 60, Laws of 1981 and RCW 13.06.060; repealing section 7, chapter 214, Laws of 1959, section 203, chapter 141, Laws of 1979, section 94, chapter 136, Laws of 1981 and RCW 72.13.070; prescribing penalties; and declaring an emergency.

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

Sec. 1. Section 1, chapter 165, Laws of 1969 ex. sess. and RCW 13.06-.010 are each amended to read as follows:

It is the intention of the legislature in enacting this chapter to increase the protection afforded the citizens of this state, to ~~((permit a more even administration of justice in the juvenile courts, to rehabilitate juvenile offenders, and to reduce the necessity for commitment of juveniles to state juvenile correctional institutions by strengthening and improving the supervision of juveniles placed on probation by the juvenile courts of this state))~~ require community planning, to provide necessary services and supervision for juvenile offenders in the community when appropriate, to reduce reliance on state-operated correctional institutions for offenders whose standard range disposition does not include commitment of the offender to the department, and to encourage the community to efficiently and effectively provide community services to juvenile offenders through consolidation of service delivery systems.

Sec. 2. Section 2, chapter 165, Laws of 1969 ex. sess. as amended by section 13, chapter 141, Laws of 1979 and RCW 13.06.020 are each amended to read as follows:

From any state moneys made available for such purpose, the state of Washington, through the department of social and health services, shall, in accordance with this chapter and applicable departmental rules, share in the cost of ~~((supervising probationers who could otherwise be committed by the juvenile courts to the custody of the secretary of social and health services, and who are granted probation and placed in "special supervision programs"))~~ providing services to juveniles.

Sec. 3. Section 3, chapter 165, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1979 and RCW 13.06.030 are each amended to read as follows:

The department of social and health services shall adopt rules prescribing minimum standards for the operation of ~~(("special supervision programs"))~~ consolidated juvenile services programs for juvenile offenders and such other rules as may be necessary for the administration of the provisions of this chapter. ((A "special supervision program" is one embodying a degree of supervision substantially above the usual or the use of new techniques in addition to, or instead of, routine supervision techniques, and which meets the standards prescribed pursuant to this section. Such)) Consolidated juvenile services is a mechanism through which the department of

social and health services supports local county comprehensive program plans in providing services to offender groups. Standards shall be sufficiently flexible to (~~foster the development of new and improved supervision practices~~) support current programs which have demonstrated effectiveness and efficiency, to foster development of innovative and improved services for juvenile offenders, to permit direct contracting with private vendors, and to encourage community support for and assistance to local programs. The secretary of social and health services shall seek advice from appropriate (~~county officials~~) juvenile justice system participants in developing standards and procedures for the operation of (~~"special supervision programs"~~) consolidated juvenile services programs and the distribution of funds under this chapter.

Sec. 4. Section 4, chapter 165, Laws of 1969 ex. sess. as amended by section 15, chapter 141, Laws of 1979 and RCW 13.06.040 are each amended to read as follows:

Any county or group of counties may make application to the department of social and health services in the manner and form prescribed by the department for financial aid for the cost of (~~"special supervision programs"~~) consolidated juvenile services programs. Any such application must include a plan or plans for providing (~~special supervision of juveniles on probation and a method for certifying that moneys received are spent only for these "special supervision programs"~~) consolidated services to juvenile offenders in accordance with standards of the department.

Sec. 5. Section 5, chapter 165, Laws of 1969 ex. sess. as last amended by section 9, chapter 151, Laws of 1979 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~~) and plan are 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 financial 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 standard cost of the operation of a special supervision program 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 distribution of funds to a county or a group of counties shall be based on criteria including but not limited to the county's per capita income, regional or county at-risk populations, juvenile crime or arrest rates, existing programs, and the effectiveness and efficiency of consolidating local programs towards reducing commitments to state correctional facilities for offenders whose standard range disposition does not include commitment of the offender to the department and reducing reliance on other traditional departmental services.

(2) The secretary 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)) meeting the terms and conditions of the approved plan and contract. 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)).~~

Sec. 6. Section 57, chapter 291, Laws of 1977 ex. sess. as last amended by section 5, chapter 299, Laws of 1981 and RCW 13.40.030 are each amended to read as follows:

(1) (a) The juvenile disposition standards commission 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 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 may 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 RCW 13.40.020(1) shall include a range of confinement which may 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 commission 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 may relate only to the length of the proposed terms and not to the nature of the security to be imposed. In developing proposed disposition standards between the effective date of this act and June 30, 1985, the commission shall consider the capacity of the state juvenile facilities and the projected impact of the proposed standards on that capacity through June 30, 1985.

(b) The secretary shall 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 no later than November 1st of each even-numbered year. At the same time the secretary shall submit a report on security at juvenile facilities during the preceding two-year period. The report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is available to the secretary. The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.

(2) If the commission fails to propose disposition standards as provided in this section, the existing standards shall remain in effect and may be adopted by the legislature or referred to the commission for modification as provided in subsection (3) of this section. If the standards are referred for modification, the provisions of subsection (4) shall be applicable.

(3) The legislature may adopt the proposed standards or refer the proposed standards to the commission for modification. If the legislature fails

to adopt or refer the proposed standards to the commission by February 15th of the following year, the proposed standards shall take effect without legislative approval on July 1st of that year.

(4) If the legislature refers the proposed standards to the commission for modification on or before February 15th, the commission 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.

(5) In developing and promulgating the permissible ranges of confinement under this section the commission 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 may 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 may 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 may be no less than eighty percent of the maximum term in the range.

Sec. 7. Section 57 [56], chapter 291, Laws of 1977 ex. sess. as last amended by section 5 [2], chapter 299, Laws of 1981 and RCW 13.40.020 are each amended to read as follows:

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 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, or statutory rape in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth. A community supervision order for a single offense may be for a period of up to one year and 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 confinement;

(4) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(5) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(6) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, 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 RCW 13.04.040, as now or hereafter amended, 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" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(11) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(12) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or ((a)) would impose a serious, and clear danger to society in light of the purposes of this chapter;

(13) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(14) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; rape in the second degree; 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; ((or)) statutory rape in the second degree; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

(15) "Offense" means an act designated a violation or 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;

(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;

(20) "Foster 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;

(21) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 8. Section 70, chapter 291, Laws of 1977 ex. sess. as last amended by section 13, chapter 299, Laws of 1981 and RCW 13.40.160 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 as now or hereafter amended.

(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 may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

Any disposition other than community supervision may be appealed as provided in RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition of community supervision may not be appealed under RCW 13.40.230 as now or hereafter amended.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in

a diversion agreement as provided in RCW 13.40.080(2) as now or hereafter amended.

(4) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense: PROVIDED, That if the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or

(b) The court shall impose a determinate disposition of community supervision and/or up to thirty days confinement in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150 as now or hereafter amended.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230 as now or hereafter amended.

(5) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(6) In its dispositional order, the court shall not suspend or defer the imposition or the execution of the disposition.

(7) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

Sec. 9. Section 73, chapter 291, Laws of 1977 ex. sess. as amended by section 69, chapter 155, Laws of 1979 and RCW 13.40.190 are each amended to read as follows:

(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. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted. 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. The court may 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. In cases where an offender has been committed to the department for a period of confinement exceeding fifteen weeks, restitution may be waived.

(2) A respondent under obligation to pay restitution may petition the court for modification of the restitution order.

NEW SECTION. Sec. 10. There is added to chapter 13.40 RCW a new section to read as follows:

(1) A juvenile sentenced to a term of confinement to be served under the supervision of the department shall not be released from the physical custody of the department prior to the release date established under RCW 13.40.210 except as otherwise provided in this section.

(2) A juvenile serving a term of confinement under the supervision of the department may be released on authorized leave from the physical custody of the department only if consistent with public safety and if:

(a) Sixty percent of the minimum term of confinement has been served; and

(b) The purpose of the leave is to enable the juvenile:

(i) To visit the juvenile's family for the purpose of strengthening or preserving family relationships;

(ii) To make plans for parole or release which require the juvenile's personal appearance in the community and which will facilitate the juvenile's reintegration into the community; or

(iii) To make plans for a residential placement out of the juvenile's home which requires the juvenile's personal appearance in the community.

(3) No authorized leave may exceed seven consecutive days. The total of all pre-minimum term authorized leaves granted to a juvenile prior to final discharge from confinement shall not exceed thirty days.

(4) Prior to authorizing a leave, the secretary shall require a written leave plan, which shall detail the purpose of the leave and how it is to be achieved, the address at which the juvenile shall reside, the identity of the person responsible for supervising the juvenile during the leave, and a statement by such person acknowledging familiarity with the leave plan and agreeing to supervise the juvenile and to notify the secretary immediately if the juvenile violates any terms or conditions of the leave. The leave plan shall include such terms and conditions as the secretary deems appropriate and shall be signed by the juvenile.

(5) Upon authorizing a leave, the secretary shall issue to the juvenile an authorized leave order which shall contain the name of the juvenile, the fact

that the juvenile is on leave from a designated facility, the time period of the leave, and the identity of an appropriate official of the department to contact when necessary. The authorized leave order shall be carried by the juvenile at all times while on leave.

(6) Prior to the commencement of any authorized leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will reside during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave.

(7) The secretary may authorize a leave, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the period of time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. In cases of emergency or medical leave the secretary may waive all or any portions of subsections (2)(a), (3), (4), (5), and (6) of this section.

(8) If requested by the juvenile's victim or the victim's immediate family prior to confinement, the secretary shall give notice of any leave to the victim or the victim's immediate family.

(9) A juvenile who violates any condition of an authorized leave plan may be taken into custody and returned to the department in the same manner as an adult in identical circumstances.

(10) Notwithstanding the provisions of this section, a juvenile placed in minimum security status may participate in work, educational, community service, or treatment programs in the community up to twelve hours a day if approved by the secretary. Such a release shall not be deemed a leave of absence.

Sec. 11. Section 75, chapter 291, Laws of 1977 ex. sess. as amended by section 71, chapter 155, Laws of 1979 and RCW 13.40.210 are each amended to read as follows:

(1) The secretary shall, except in the case of a juvenile 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 juvenile was found to be guilty established pursuant to RCW 13.40.030, as now or hereafter amended, set a release or discharge date for each juvenile committed to its custody which shall be within the prescribed range to which a juvenile has been committed. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter: PROVIDED, That days spent in the custody of

the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may, until June 30, 1985, recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary may have temporary authority until June 30, 1985, to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release. In no event shall a serious offender, as defined in RCW 13.40.020(1) be granted release under the provisions of this subsection.

(3) Following the juvenile's release pursuant to subsection (1) of this section, the secretary may require the juvenile 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. Such a parole program shall be mandatory for offenders released under subsection (2) of this section. The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal may require the juvenile 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 juvenile shall be discharged from the department's supervision.

((3)) (4) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile 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 confinement not to exceed thirty days 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 or weeks spent under supervision.

~~((4))~~ (5) 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.

Sec. 12. Section 72.05.130, chapter 28, Laws of 1959 as last amended by section 8, chapter 217, Laws of 1979 ex. sess. and RCW 72.05.130 are each amended to read as follows:

The department shall establish, maintain, operate and administer a comprehensive program for the custody, care, education, treatment, instruction, guidance, control and rehabilitation of all persons who may be committed or admitted to institutions, schools, or other facilities controlled and operated by the department, except for the programs of education provided pursuant to RCW 28A.58.772 through 28A.58.776, as now or hereafter amended, which shall be established, operated and administered by the school district conducting the program, and in order to accomplish these purposes, the powers and duties of the secretary shall include the following:

(1) The assembling, analyzing, tabulating, and reproduction in report form, of statistics and other data with respect to children with behavior problems in the state of Washington, including, but not limited to, the extent, kind, and causes of such behavior problems in the different areas and population centers of the state. Such reports shall not be open to public inspection, but shall be open to the inspection of the governor and to the superior court judges of the state of Washington.

(2) The establishment and supervision of diagnostic facilities and services in connection with the custody, care, and treatment of mentally and physically handicapped, and behavior problem children who may be committed or admitted to any of the institutions, schools, or facilities controlled and operated by the department, or who may be referred for such diagnosis and treatment by any superior court of this state. Such diagnostic services may be established in connection with, or apart from, any other state institution under the supervision and direction of the secretary. Such diagnostic services shall be available to the superior courts of the state for persons referred for such services by them prior to commitment, or admission to, any school, institution, or other facility. Such diagnostic services shall also be available to other departments of the state. When the secretary determines it necessary, the secretary may create waiting lists and set priorities for use of diagnostic services for juvenile offenders on the basis of those most severely in need.

(3) The supervision of all persons committed or admitted to any institution, school, or other facility operated by the department, and the transfer of such persons from any such institution, school, or facility to any other



such school, institution, or facility: PROVIDED, That where a person has been committed to a minimum security institution, school, or facility by any of the superior courts of this state, a transfer to a close security institution shall be made only with the consent and approval of such court. This shall not apply to the state school for the deaf or the state school for the blind.

(4) The supervision of parole, discharge, or other release, and the post-institutional placement of all persons committed to Green Hill school and Maple Lane school, or such as may be assigned, paroled, or transferred therefrom to other facilities operated by the department. Green Hill school and Maple Lane school are hereby designated as "close security" institutions to which shall be given the custody of children with the most serious behavior problems.

NEW SECTION. Sec. 13. Section 6, chapter 165, Laws of 1969 ex. sess., section 16, chapter 141, Laws of 1979, section 1, chapter 60, Laws of 1981 and RCW 13.06.060 are each repealed.

Sec. 14. Section 3, chapter 160, Laws of 1913 as last amended by section 6, chapter 155, Laws of 1979 and RCW 13.04.040 are each amended to read as follows:

The 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 administrator. The probation counselor shall:

(1) Receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition or information pursuant to RCW 13.34.040, 13.34.180, and 13.40.070 as now or hereafter amended, and RCW 13.32A.150;

(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 RCW 13.40.080, as now or hereafter amended, and ensure that the requirements of such agreements are met except as otherwise provided in this title;

(4) Prepare predisposition studies as required in RCW 13.34.120 and 13.40.130, as now or hereafter amended, 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 which is filed by the department of social and health services unless otherwise ordered by the court; 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.

The administrator may, in any county or judicial district in the state, appoint one or more persons who shall have charge of detention rooms or houses of detention.

The probation counselors and persons appointed to have charge of detention facilities shall each receive compensation which shall be fixed by the legislative authority of the county, or 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 legislative authorities 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 RCW 13.40.080, as now or hereafter amended.

The administrator shall establish procedures for the collection of fines assessed under RCW 13.40.080 (2)(1) and (13) and for the payment of the fines into the county general fund.

Sec. 15. Section 74, chapter 291, Laws of 1977 ex. sess. as amended by section 70, chapter 155, Laws of 1979 and RCW 13.40.200 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a ((willful)) wilful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community service.

(3) (a) If the court finds that a respondent has wilfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days confinement.

(b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, penalty assessments, complete community service, or

make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty-five dollars or eight hours owed.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community service. The number of hours of community service in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

Sec. 16. Section 62, chapter 291, Laws of 1977 ex. sess. as last amended by section 8, chapter 299, Laws of 1981 and RCW 13.40.080 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it.

(2) A diversion agreement shall be limited to:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim, and to an amount the juvenile has the means or potential means to pay; ~~((and))~~

(c) Attendance at up to two hours of counseling and/or up to ten hours of educational or informational sessions at a community agency: **PROVIDED**, That the state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to two hours of counseling and/or up to ten hours of educational or informational sessions; and

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed.

(3) In assessing periods of community service to be performed and restitution to be paid by a juvenile 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 juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4) A diversion agreement may not exceed a period of six months for a misdemeanor or gross misdemeanor or one year for a felony and may include a period extending beyond the eighteenth birthday of the divertee. Any restitution assessed during its term may not exceed an amount which the juvenile could be reasonably expected to pay during this period. If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles 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 divertee may 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 divertee;

(d) The hearing shall be conducted by the juvenile court and 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 divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

(7) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(8) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process,

including intake interviews and termination hearings. The juvenile 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 mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(6) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the juvenile, 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.

(9) When a juvenile 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 juvenile'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.

(10) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. It shall immediately refer such juvenile 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 juvenile (~~((fails to make restitution or perform community service as required by))~~) violates the terms of the diversion agreement.

(11) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile 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 juvenile without entering into a diversion agreement: PROVIDED, That any juvenile 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 juvenile's criminal history as defined by RCW 13.40.020(6) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the juvenile, 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 juvenile 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 juvenile referred to the unit.

(12) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

(13) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(14) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

(15) The authority to impose and collect fines under this section shall terminate on June 30, 1985.

Sec. 17. Section 1, chapter 170, Laws of 1975 1st ex. sess. as last amended by section 17, chapter 299, Laws of 1981 and RCW 13.40.300 are each amended to read as follows:

(1) In no case may a juvenile offender be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday. A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) The juvenile court has committed the juvenile offender to the department of social and health services for a sentence consisting of the standard range of disposition for the offense and the sentence includes a period beyond the juvenile offender's eighteenth birthday; or

(b) The juvenile court has committed the juvenile offender to the department of social and health services for a sentence outside the standard

range of disposition for the offense and the sentence includes a period beyond the juvenile's eighteenth birthday and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile offender for that period; or

(c) Proceedings are pending seeking the adjudication of a juvenile offense or seeking a disposition order or the enforcement of such an order and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday.

(2) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.

(3) In no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday.

~~((4))~~ (4) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

Sec. 18. Section 61, chapter 291, Laws of 1977 ex. sess. as last amended by section 7, chapter 299, Laws of 1981 and RCW 13.40.070 are each amended to read as follows:

(1) Complaints referred to the juvenile 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 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 juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1) (a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections ~~((4))~~ (5) ~~((and))~~, (6), and (7) of this section. If the prosecutor neither files nor diverts the case, he shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

~~((4))~~ (4) 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.

~~((4))~~ (5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of 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 RCW 13.40.020(1) (b) or (c); or

(b) An alleged offender is accused of a felony and has a criminal history of at least one class A or class B felony, or two class C felonies, or at least two gross misdemeanors, or at least two misdemeanors and one additional misdemeanor or gross misdemeanor, or at least one class C felony and one misdemeanor or gross misdemeanor; or

(c) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion.

~~((5))~~ (6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense(s) in combination with the alleged offender's criminal history do not exceed three offenses or violations and do not include any felonies: PROVIDED, That if the alleged offender is charged with a related offense that must or may be filed under subsections ~~((4))~~ (5) and ~~((6))~~ (7) of this section, a case under this subsection may also be filed.

~~((6))~~ (7) Where a case is legally sufficient and falls into neither subsection ~~((4))~~ (5) nor ~~((5))~~ (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

~~((7))~~ (8) 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))~~ (9) The responsibilities of the prosecutor under subsections (1) through ~~((7))~~ (8) 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.

Sec. 19. Section 9, chapter 155, Laws of 1979 as amended by section 19, chapter 299, Laws of 1981 and RCW 13.50.050 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.



(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section and RCW 13.50.010.

(4) Except as otherwise provided in this section and RCW 13.50.010, 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 the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding may be released to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system may be released to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8).

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

- (a) The person making the motion is at least twenty-three years of age;
- (b) The person has not subsequently been convicted of a felony;
- (c) No proceeding is pending against that person seeking the conviction of a criminal offense; and
- (d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

Sec. 20. Section 10, chapter 155, Laws of 1979 and RCW 13.50.100 are each amended to read as follows:

- (1) This section governs records not covered by RCW 13.50.050.
- (2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.
- (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 the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this

section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the state-wide juvenile court information system.

(4) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile.

(5) A juvenile or his or her parent denied access to any records following an agency determination under subsection (4) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections (4) (a) and (b) of this section.

(6) The person making a motion under subsection (5) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(7) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (4) of this section.

(8) Information concerning a juvenile or a juvenile's family contained in records covered by this section may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

NEW SECTION. Sec. 21. Section 7, chapter 214, Laws of 1959, section 203, chapter 141, Laws of 1979, section 94, chapter 136, Laws of 1981 and RCW 72.13.070 are each repealed.

NEW SECTION. Sec. 22. There is added to chapter 13.40 RCW a new section to read as follows:

(1) Notwithstanding the provisions of RCW 13.04.115, the secretary, with the consent of the secretary of the department of corrections, has the

authority to transfer a juvenile presently or hereafter committed to the department of social and health services to the department of corrections for appropriate institutional placement in accordance with this section.

(2) The secretary of the department of social and health services may, with the consent of the secretary of the department of corrections, transfer a juvenile offender to the department of corrections if it is established at a hearing before a review board that continued placement of the juvenile offender in an institution for juvenile offenders presents a continuing and serious threat to the safety of others in the institution. The department of social and health services shall establish rules for the conduct of the hearing, including provision of counsel for the juvenile offender.

(3) A juvenile offender transferred to an institution operated by the department of corrections shall not remain in such an institution beyond the maximum term of confinement imposed by the juvenile court.

(4) A juvenile offender who has been transferred to the department of corrections under this section may, in the discretion of the secretary of the department of social and health services and with the consent of the secretary of the department of corrections, be transferred from an institution operated by the department of corrections to a facility for juvenile offenders deemed appropriate by the secretary.

NEW SECTION. Sec. 23. There is added to chapter 13.40 RCW a new section to read as follows:

A juvenile offender ordered to serve a term of confinement with the department of social and health services who is subsequently sentenced to the department of corrections may, with the consent of the department of corrections, be transferred by the secretary of social and health services to the department of corrections to serve the balance of the term of confinement ordered by the juvenile court. The juvenile and adult sentences shall be served consecutively. In no case shall the secretary credit time served as a result of an adult conviction against the term of confinement ordered by the juvenile court.

NEW SECTION. Sec. 24. Section 1 of 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 23, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 192

[Engrossed Substitute House Bill No. 433]

CHILDREN—EMOTIONALLY DISTURBED OR MENTALLY ILL—JUVENILE  
OFFENDERS—PLACEMENT AND TREATMENT POLICIES

AN ACT Relating to children and family services; adding a new chapter to Title 74 RCW; creating new sections; and providing an effective date.

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

**NEW SECTION.** Sec. 1. The legislature reaffirms its declarations under RCW 13.34.020 that the family unit is the fundamental resource of American life which should be nurtured and that the family unit should remain intact in the absence of compelling evidence to the contrary. The legislature declares that the goal of serving emotionally disturbed and mentally ill children, potentially dependent children, and families-in-conflict in their own homes to avoid out-of-home placement of the child, when that form of care is premature, unnecessary, or inappropriate, is a high priority of this state.

**NEW SECTION.** Sec. 2. The department of social and health services shall address the needs of emotionally disturbed and mentally ill children, potentially dependent children, and families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Ensuring that appropriate social and health services are provided to the family unit both prior to the removal of a child from the home and after family reunification;

(3) Developing and implementing comprehensive, preventive, and early intervention social and health services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic or severe;

(4) Developing coordinated social and health services which:

(a) Identify problems experienced by children and their families early and provide services which are adequate in availability, appropriate to the situation, and effective;

(b) Seek to bring about meaningful change before family situations become irreversibly destructive and before disturbed psychological behavioral patterns and health problems become severe or permanent;

(c) Serve children and families in their own homes thus preventing unnecessary out-of-home placement or institutionalization;

(d) Focus resources on social and health problems as they begin to manifest themselves rather than waiting for chronic and severe patterns of illness, criminality, and dependency to develop which require long-term treatment, maintenance, or custody;

- (e) Reduce duplication of and gaps in service delivery;
- (f) Improve planning, budgeting, and communication among all units of the department serving children and families; and
- (g) Develop outcome standards for measuring the effectiveness of social and health services for children and families.

NEW SECTION. Sec. 3. The department shall address the needs of juvenile offenders whose standard range sentences do not include commitment by developing nonresidential community-based programs designed to reduce the incidence of manifest injustice commitments when consistent with public safety.

NEW SECTION. Sec. 4. The department shall involve a juvenile offender's family as a unit in the treatment process. The department need not involve the family as a unit in cases when family ties have by necessity been irrevocably broken. When the natural parents have been or will be replaced by a foster family or guardian, the new family will be involved in the treatment process.

NEW SECTION. Sec. 5. The department shall develop a plan in cooperation with an advisory committee of community representatives appointed by the secretary for the implementation of sections 2 through 4 of this act for submission to the appropriate committees of the house of representatives and the senate by November 15, 1983. The plan shall include:

- (1) Policies and procedures for the coordinated and cooperative functioning of all units of the department serving children and families which eliminate duplications, inconsistencies, and conflicting rules;
- (2) Policies and procedures for the coordinated and cooperative functioning of the department with agencies of local government, schools, courts, and the private sector;
- (3) An evaluation of the desirability and feasibility of locating out-of-home placements, treatment programs, and institutions in close geographical proximity to the area or residence of the child and the family;
- (4) Priorities for all departmental units serving children and families;
- (5) Training initiatives directed toward all departmental units and contractors serving children and families;
- (6) Policies and procedures which address the appropriate role of the department of social and health services in fostering services which address the special needs of parents and their young children. The policies and procedures shall pay attention to the unique needs of culturally diverse groups;
- (7) Policies and procedures designed to ensure coordination between all departmental units serving children and families and the public schools;
- (8) Policies for the evaluation, treatment, and referral of children and families by all departmental units serving children and families;

(9) Procedures for all departmental units serving children and families to use in identifying and meeting the needs of children and families at the local level;

(10) Changes which may be necessary in statutes to permit the full implementation of sections 2 through 4 of this act;

(11) An evaluation of whether the existing organizational structure of the department will permit the full implementation of sections 2 through 4 of this act or whether an alternative organizational structure is more appropriate;

(12) Outcome standards which can be used to measure the effectiveness of social and health service programs; and

(13) Procedures for the establishment of local volunteer oversight groups within each department service area. The oversight group shall be comprised of parents, professionals in the field of children and family services not employed by the department, local government employees in law enforcement or children and family services, and members of other non-profit organizations participating in children and family services activities.

NEW SECTION. Sec. 6. This act may be known and cited as the "children and family services act."

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. Sections 2 through 4 of this act shall take effect January 1, 1984.

NEW SECTION. Sec. 9. Sections 1 through 4 of this act shall constitute a new chapter in Title 74 RCW.

Passed the House April 23, 1983.

Passed the Senate April 20, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

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CHAPTER 193

[Engrossed House Bill No. 436]

WOOD COLLECTION PERMITS—STATE PARKS—OVER 65 YEARS—  
EXEMPT

AN ACT Relating to the state parks and recreation commission; adding a new section to chapter 43.51 RCW; and repealing section 2, chapter 114, Laws of 1981 and RCW 43.51.390.

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

NEW SECTION. Sec. 1. There is added to chapter 43.51 RCW a new section to read as follows:



Persons over the age of sixty-five are exempt from any permit or other administrative fee imposed by the commission for the collection of wood debris in state parks, if such wood is for personal use.

**NEW SECTION.** Sec. 2. Section 2, chapter 114, Laws of 1981 and RCW 43.51.390 are each repealed.

Passed the House April 22, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 194

[Substitute House Bill No. 452]

### DEPARTMENT OF SERVICES FOR THE BLIND CREATED—POWERS AND DUTIES—ADVISORY COUNCIL FOR THE BLIND

AN ACT Relating to blind persons; amending section 40, chapter 18, Laws of 1970 ex. sess. as amended by section 15, chapter 40, Laws of 1977 ex. sess. and RCW 43.20A.300; adding a new section to chapter 74.09 RCW; creating a new chapter in Title 74 RCW; repealing section 39, chapter 99, Laws of 1979 and RCW 43.131.225; repealing section 81, chapter 99, Laws of 1979 and RCW 43.131.226; repealing section 74.04.017, chapter 26, Laws of 1959, section 297, chapter 141, Laws of 1979 and RCW 74.04.017; repealing section 74.16.030, chapter 26, Laws of 1959, section 1, chapter 128, Laws of 1965, section 1, chapter 78, Laws of 1967, section 9, chapter 169, Laws of 1971 ex. sess. and RCW 74.16.030; repealing section 74.16.040, chapter 26, Laws of 1959 and RCW 74.16.040; repealing section 74.16.170, chapter 26, Laws of 1959, section 16, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.170; repealing section 1, chapter 59, Laws of 1967, section 17, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.181; repealing section 2, chapter 59, Laws of 1967, section 18, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.183; repealing section 74.16.300, chapter 26, Laws of 1959, section 20, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.300; repealing section 1, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.400; repealing section 2, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.410; repealing section 3, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.420; repealing section 4, chapter 40, Laws of 1977 ex. sess., section 174, chapter 151, Laws of 1979 and RCW 74.16.430; repealing section 5, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.440; repealing section 6, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.450; repealing section 7, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.460; repealing section 8, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.470; repealing section 9, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.480; repealing section 10, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.490; repealing section 11, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.500; repealing section 12, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.510; repealing section 13, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.520; repealing section 14, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.530; repealing section 24, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.540; repealing section 1, chapter 251, Laws of 1975 1st ex. sess., section 21, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.010; repealing section 2, chapter 251, Laws of 1975 1st ex. sess., section 22, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.020; repealing section 3, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.030; repealing section 4, chapter 251, Laws of 1975 1st ex. sess., section 23, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.040; providing effective dates; providing an expiration date; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. The purposes of this chapter are 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, to encourage public acceptance of the abilities of blind persons, and to promote public awareness of the causes of blindness.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means an agency of state government called the department of services for the blind.

(2) "Director" means the director of the state agency appointed by the governor with the consent of the senate.

(3) "Advisory council" means the body of members appointed by the governor to advise the state agency.

(4) "Blind" means a person who has no vision or whose vision with corrective lenses 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.

NEW SECTION. Sec. 3. There is hereby created an agency of state government to be known as the department of services for the blind. The department shall deliver services to blind persons to the extent that appropriations are made available, provided that applicants meet the eligibility criteria for services authorized by this chapter.

NEW SECTION. Sec. 4. The executive head of the department shall be the director of the department of services for the blind. The director shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director's salary shall be fixed by the governor in accordance with the provisions of RCW 43.03.040.

NEW SECTION. Sec. 5. The director may appoint such personnel as necessary, none of whom shall be members of the advisory council for the blind. The director and other personnel who are assigned substantial responsibility for formulating agency policy or directing and controlling a major administrative division, together with their confidential secretaries, up to a maximum of six persons, shall be exempt from the provisions of chapter 41.06 RCW.

NEW SECTION. Sec. 6. The department shall:

(1) Serve as the sole agency of the state for contracting for and disbursing all federal and state funds appropriated for programs established by and within the jurisdiction of this chapter, and make reports and render accounting as may be required;

(2) Adopt rules, in accordance with chapter 34.04 RCW, necessary to carry out the purposes of this chapter;

(3) Negotiate agreements with other state agencies to provide services for individuals who are both blind and otherwise disabled so that multiply

handicapped persons and the elderly blind receive the most beneficial services.

**NEW SECTION.** Sec. 7. (1) There is hereby created the advisory council for the blind. The advisory council shall consist of at least six and no more than ten members. A majority of the members shall be blind. Advisory council members shall be residents of the state of Washington, and no member shall be an employee of the department.

(2) The governor shall appoint members of the advisory council for terms of three years, except that the initial appointments shall be as follows: (a) Three members for terms of three years; (b) two members for terms of two years; and (c) other members for terms of one year. Vacancies in the membership of the advisory council shall be filled by the governor for the remainder of the unexpired term.

(3) The governor may remove members of the advisory council for cause.

**NEW SECTION.** Sec. 8. (1) The advisory council for the blind shall meet officially with the director of the department quarterly to perform the duties enumerated in section 9 of this act. Additional meetings of the advisory council may be convened at the call of the chairperson or of a majority of the members. The advisory council shall elect a chairperson from among its members for a term of one year or until a successor has been elected.

(2) Advisory council members shall receive reimbursement for travel expenses incurred in the performance of their official duties in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION.** Sec. 9. The advisory council for the blind may:

(1) Provide counsel to the director in developing, reviewing, and making recommendations on the department's state plan for vocational rehabilitation, budget requests, permanent rules concerning services to blind citizens, and other major policies which impact the quality or quantity of services for the blind;

(2) Undertake annual reviews with the director of the needs of blind citizens, the effectiveness of the services and priorities of the department to meet those needs, and the measures that could be taken to improve the department's services;

(3) Annually make recommendations to the governor and the legislature on issues related to the department of services for the blind, other state agencies, or state laws which have a significant effect on the opportunities, services, or rights of blind citizens; and

(4) Advise and make recommendations to the governor on the criteria and qualifications pertinent to the selection of the director.

**NEW SECTION.** Sec. 10. It shall be the duty of the director to consult in a timely manner with the advisory council for the blind on the matters enumerated in section 9 of this act. The director shall provide appropriate

departmental resources for the use of the advisory council in conducting its official business.

NEW SECTION. Sec. 11. The department of services for the blind may receive, accept, and disburse gifts, grants, conveyances, devises, and bequests from public or private sources, in trust or otherwise, if the terms and conditions thereof will provide services for the blind in a manner consistent with the purposes of this chapter and with other provisions of law. Any money so received shall be deposited in the state treasury for investment or expenditure in accordance with the conditions of its receipt.

NEW SECTION. Sec. 12. (1) Any person aggrieved by a decision, action, or inaction of the department or its agents may request, and shall receive from the department, an administrative review and redetermination of that decision, action, or inaction.

(2) After completion of an administrative review, an applicant or client aggrieved by a decision, action, or inaction of the department or its agents may request, and shall be granted, an administrative hearing. Such administrative hearings shall be conducted pursuant to chapter 34.04 RCW by an administrative law judge.

(3) Final decisions of administrative hearings shall be the subject of appeal under RCW 34.04.130.

(4) In the event of an appeal from the final decision of an administrative hearing in which the department has overruled the proposed decision by an administrative law judge, the following terms shall apply for an appeal under RCW 34.04.130: (a) Upon request a copy of the transcript and evidence from the administrative hearing shall be made available without charge to the appellant; (b) the appellant shall not be required to post bond or pay any filing fee; and (c) an appellant receiving a favorable decision upon appeal shall be entitled to reasonable attorney's fees and costs.

NEW SECTION. Sec. 13. The department shall provide a program of vocational rehabilitation to assist blind persons to overcome vocational handicaps and to develop skills necessary for self-support and self-care. Applicants eligible for vocational rehabilitation services shall be persons who are blind as defined in section 2 of this act and who also (1) have no vision or limited vision which constitutes or results in a substantial handicap to employment and (2) can reasonably be expected to benefit from vocational rehabilitation services in terms of employability.

NEW SECTION. Sec. 14. The department may provide to eligible individuals vocational rehabilitation services, including medical and vocational diagnosis; vocational counseling, guidance, referral, and placement; rehabilitation training; physical and mental restoration; maintenance and transportation; reader services; interpreter services for the deaf; rehabilitation teaching services; orientation and mobility services; occupational licenses,

tools, equipment, and initial stocks and supplies; telecommunications, sensory, and other technological aids and devices; and other goods and services which can be reasonably expected to benefit a client in terms of employability.

**NEW SECTION.** Sec. 15. The department may grant to vocational rehabilitation clients equipment and materials with an individual value of not more than one thousand dollars, provided that the equipment or materials are required by the client's individual written rehabilitation program and are used by the client or former client in a manner consistent therewith. The department shall adopt rules to implement this section.

**NEW SECTION.** Sec. 16. The department may establish, construct, and/or operate rehabilitation or habilitation facilities consistent with the purposes of this chapter.

**NEW SECTION.** Sec. 17. As part of its vocational rehabilitation program or in conjunction with other agency programs, the department may operate a rehabilitation facility known as the orientation and training center. The orientation and training center may provide instruction in the alternative skills necessary to adjust to blindness or substantial loss of vision, develop increased confidence and independence, and encourage personal, social, and economic integration. The department shall adopt rules concerning selection criteria for clients, curriculum, and other matters necessary for the economical, efficient, and effective operation of the orientation and training center.

**NEW SECTION.** Sec. 18. The department, to the extent appropriations are made available, may provide a program of services for independent living designed to meet the current and future needs of blind individuals who presently cannot function independently in their living environment, but who may benefit from services that will enable them to maintain contact with society and perform some tasks of daily living independently.

**NEW SECTION.** Sec. 19. (1) The department may offer services to assist blind children and their families to learn skills and locate resources which increase the child's ability for personal development and participation in society.

(2) Services provided under this section may include:

(a) Direct consultation with blind children and their families to provide needs assessment, counseling, developmental training, adaptive skills, and information regarding other available resources;

(b) Consultation and technical assistance in all sectors of society, at the request of a blind child, his or her family, or a service provider working with the child or family, to assure the blind child's rights to participate fully in educational, vocational, and social opportunities. The department is encouraged to establish working agreements and arrangements with community

organizations and other state agencies which provide services to blind children.

(3) To facilitate the coordination of services to blind children and their families, the office of superintendent of public instruction and the department of services for the blind shall negotiate an interagency agreement providing for coordinated service delivery and the sharing of information between the two agencies, including an annual register of blind students in the state of Washington.

NEW SECTION. Sec. 20. Unless the context clearly requires otherwise, the definitions in this section apply in sections 20 through 23 of this act.

(1) "Business enterprises program" means a program operated by the department under the federal Randolph-Sheppard Act, 20 U.S.C. Sec. 107 et seq., and under this chapter in support of blind persons operating vending businesses in public buildings.

(2) "Vending facility" means any stand, snack bar, cafeteria, or business at which food, tobacco, sundries, or other retail merchandise or service is sold or provided.

(3) "Vending machine" means any coin-operated machine that sells or provides food, tobacco, sundries, or other retail merchandise or service.

(4) "Licensee" means a blind person licensed by the state of Washington under the Randolph-Sheppard Act, this chapter, and the rules issued hereunder.

(5) "Public building" means any building which is 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: PROVIDED, That any vending facility or vending machine under the jurisdiction and control of a local board of education shall not be included without the consent and approval of that local board.

NEW SECTION. Sec. 21. The department shall maintain or cause to be maintained a business enterprises program for blind persons to operate vending facilities in public buildings. The purposes of the business enterprises program are to implement the Randolph-Sheppard Act and thereby give priority to qualified blind persons in operating vending facilities on federal property, to make similar provisions for vending facilities in public buildings in the state of Washington and thereby increase employment opportunities for blind persons, and to encourage the blind to become successful, independent business persons.

NEW SECTION. Sec. 22. (1) The department is authorized to license blind persons to operate vending facilities and vending 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 vending machines in public buildings.

NEW SECTION. Sec. 23. (1) There is established in the general fund an account known as the business enterprises revolving fund.

(2) The net proceeds from any vending machine operation in a public building, other than an operation managed by a licensee, shall be made payable to the business enterprises revolving fund. Net proceeds, for purposes of this section, means the gross amount received less the costs of the operation, including a fair minimum return to the vending machine owner, which return shall not exceed a reasonable amount to be determined by the department.

(3) All moneys in the business enterprises revolving fund shall be expended only for development and expansion of locations, equipment, management services, and payments to licensees in the business enterprises program.

(4) The business enterprises program shall be supported by the business enterprises revolving fund and by income which may accrue to the department pursuant to the federal Randolph-Sheppard Act.

(5) Vocational rehabilitation funds may be spent in connection with the business enterprises program for training persons to become licensees and for other services that are required to complete an individual written rehabilitation program.

NEW SECTION. Sec. 24. The department, to the extent that appropriations are made available, may provide specialized medical eye care to prevent blindness or restore or improve sight to persons who could medically benefit from such services but who are not eligible for services under section 26 of this act. The department may offer information and referral services to foster public awareness of the causes of blindness, encourage use of preventive or ameliorative measures, and explain the abilities and rights of blind citizens.

NEW SECTION. Sec. 25. If any part of this chapter is found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict, and the findings or determination shall not affect the operation of the remainder of this chapter.

NEW SECTION. Sec. 26. There is added to chapter 74.09 RCW a new section to read as follows:

(1) A prevention of blindness program is hereby established in the department of social and health services to provide prompt, specialized medical eye care, including assistance with costs when necessary, for conditions

in which sight is endangered or sight can be restored or significantly improved. The department of social and health services shall adopt rules concerning program eligibility, levels of assistance, and the scope of services.

(2) The department of social and health services shall employ on a part-time basis an ophthalmological and/or an optometrical consultant to provide liaison with participating eye physicians and to review medical recommendations made by an applicant's eye physician to determine whether the proposed services meet program standards.

(3) The department of social and health services and the department of services for the blind shall formulate a cooperative agreement concerning referral of clients between the two agencies and the coordination of policies and services.

**NEW SECTION.** Sec. 27. (1) All classified civil service employees employed on the effective date of this section by the commission for the blind engaged in duties pertaining to functions transferred to the department of social and health services by section 26 of this act shall be assigned and transferred to the department of social and health services and shall retain their permanent or probationary status together with all rights, privileges, and immunities attaching thereto.

(2) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission for the blind and pertaining to the powers, functions, and duties transferred by section 26 of this act shall be delivered to the custody of the department of social and health services. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission for the blind in carrying out the powers, functions, and duties transferred by section 26 of this act shall be made available to the department of social and health services. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred by section 26 of this act shall be assigned to the department of social and health services.

Any appropriations made to the commission for the blind for carrying out the powers, functions, and duties transferred by section 26 of this act shall, on the effective date of this act, be transferred and credited to the department of social and health services.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the commission for the blind pertaining to the powers, functions, and duties transferred by section 26 of this act shall be continued and acted upon by the department of social and health services. All existing contracts and obligations shall remain in



full force and shall be performed by the department of social and health services.

(4) The transfer of the powers, duties, functions, and personnel of the commission for the blind shall not affect the validity of any act performed by such employee prior to the effective date of this act.

(5) If apportionments of budgeted funds are required because of the transfers directed by subsections (2) through (4) of this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 28. Section 40, chapter 18, Laws of 1970 ex. sess. as amended by section 15, chapter 40, Laws of 1977 ex. sess. and RCW 43.20A.300 are each amended to read as follows:

Except as provided in (~~RCW 74.16.440~~) section 6 of this 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.

NEW SECTION. Sec. 29. The department of services for the blind and its powers and duties shall terminate on June 30, 1987. This chapter expires on June 30, 1988. The department shall be reviewed before termination under chapter 43.131 RCW.

NEW SECTION. Sec. 30. The following acts or parts of acts are each repealed:

- (1) Section 39, chapter 99, Laws of 1979 and RCW 43.131.225;
- (2) Section 81, chapter 99, Laws of 1979 and RCW 43.131.226;
- (3) Section 74.04.017, chapter 26, Laws of 1959, section 297, chapter 141, Laws of 1979 and RCW 74.04.017;
- (4) Section 74.16.030, chapter 26, Laws of 1959, section 1, chapter 128, Laws of 1965, section 1, chapter 78, Laws of 1967, section 9, chapter 169, Laws of 1971 ex. sess. and RCW 74.16.030;
- (5) Section 74.16.040, chapter 26, Laws of 1959 and RCW 74.16.040;
- (6) Section 74.16.170, chapter 26, Laws of 1959, section 16, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.170;
- (7) Section 1, chapter 59, Laws of 1967, section 17, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.181;
- (8) Section 2, chapter 59, Laws of 1967, section 18, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.183;

(9) Section 74.16.300, chapter 26; Laws of 1959, section 20, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.300;

(10) Section 1, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.400;

(11) Section 2, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.410;

(12) Section 3, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.420;

(13) Section 4, chapter 40, Laws of 1977 ex. sess., section 174, chapter 151, Laws of 1979 and RCW 74.16.430;

(14) Section 5, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.440;

(15) Section 6, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.450;

(16) Section 7, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.460;

(17) Section 8, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.470;

(18) Section 9, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.480;

(19) Section 10, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.490;

(20) Section 11, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.500;

(21) Section 12, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.510;

(22) Section 13, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.520;

(23) Section 14, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.530;

(24) Section 24, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.540;

(25) Section 1, chapter 251, Laws of 1975 1st ex. sess., section 21, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.010;

(26) Section 2, chapter 251, Laws of 1975 1st ex. sess., section 22, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.020;

(27) Section 3, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.030; and

(28) Section 4, chapter 251, Laws of 1975 1st ex. sess., section 23, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.040.

NEW SECTION. Sec. 31. 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. 32. Sections 1 through 25 and section 28 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 33. 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. Section 27 of this act which transfers functions from the commission for the blind to the department of

social and health services and section 26 of this act shall take effect immediately. All other sections of this act shall take effect June 30, 1983.

Passed the House April 23, 1983.

Passed the Senate April 20, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

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## CHAPTER 195

[Engrossed Substitute House Bill No. 463]

### JUSTICES OF THE PEACE

AN ACT Relating to courts of limited jurisdiction; amending section 13, chapter 299, Laws of 1961 as last amended by section 2, chapter 95, Laws of 1974 ex. sess. and RCW 3.34.040; and amending section 22, chapter 299, Laws of 1961 as amended by section 9, chapter 331, Laws of 1981 and RCW 3.34.130.

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

Sec. 1. Section 13, chapter 299, Laws of 1961 as last amended by section 2, chapter 95, Laws of 1974 ex. sess. and RCW 3.34.040 are each amended to read as follows:

Justices of the peace serving districts having a population of forty thousand or more persons, and justices receiving a salary greater than (~~fifteen thousand dollars~~) the maximum salary provided in RCW 3.58.020(f) for serving as a justice, shall be deemed full time justices and shall devote all of their time to the office and shall not engage in the practice of law. Other justices shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other occupations but such justice shall not use the office or supplies furnished by the judicial district for his private business but shall maintain a separate office for his private business nor shall he use the services of any clerk or secretary paid for by the county for his private business.

Sec. 2. Section 22, chapter 299, Laws of 1961 as amended by section 9, chapter 331, Laws of 1981 and RCW 3.34.130 are each amended to read as follows:

(1) Each justice court shall designate one or more justices of the peace pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a justice of the peace of the district. The qualifications of a justice of the peace pro tempore shall be the same as for a justice of the district, except that the person appointed need only be a registered voter of the county in which the justice court district or portion thereof is located. A justice of the peace pro tempore may sit in any district of the county for which he is appointed. A justice of the peace pro tempore shall be paid for each day he holds a session one-two hundred fiftieth of the annual salary of a full time justice of the district. For each day that a justice of the peace pro tempore serves in excess of thirty days during any calendar year, the

annual salary of the justice of the peace in whose place he serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary; PROVIDED, That each full time justice of the peace shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court.

(2) The legislature may appropriate money from the judiciary education account to the administrator for the courts pursuant to RCW 2.56.100 for the purpose of reimbursing counties for the salaries of justices of the peace pro tempore for certain days in excess of thirty worked per year the justice of the peace pro tempore was required to work as the result of service by a justice of the peace on a commission as authorized under subsection (1) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any justice of the peace pro tempore was required to work as the result of service by a justice of the peace on a commission as authorized under subsection (1) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose.

Passed the House April 23, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

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## CHAPTER 196

[Substitute House Bill No. 476]

PRISON TERMS—REDUCTION OF MINIMUM—CONDITIONS—PAROLE  
 REVOCATION HEARINGS—CRIMINALLY INSANE COMMITMENTS—  
 RECORDS

AN ACT Relating to offenders; amending section 1, chapter 67, Laws of 1972 ex. sess. and RCW 9.95.052; amending section 6, chapter 98, Laws of 1969 as last amended by section 39, chapter 136, Laws of 1981 and RCW 9.95.124; amending section 21, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.210; amending section 44, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 17, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.390; and adding a new section to chapter 71.06 RCW.

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

Sec. 1. Section 1, chapter 67, Laws of 1972 ex. sess. and RCW 9.95.052 are each amended to read as follows:

At any time after the board of prison terms and paroles has determined the minimum term of confinement of any person subject to confinement in a state correctional institution, the board may request the superintendent of such correctional institution to conduct a full review of such person's prospects for rehabilitation and report to the board the facts of such review and

the resulting findings. Upon the basis of such report and such other information and investigation that the board deems appropriate the board may redetermine and refix such convicted person's minimum term of confinement.

The board shall not reduce a person's minimum term of confinement unless the board has received from the department of corrections all institutional conduct reports relating to the person.

Sec. 2. Section 6, chapter 98, Laws of 1969 as last amended by section 39, chapter 136, Laws of 1981 and RCW 9.95.124 are each amended to read as follows:

At all on-site parole revocation hearings the probation and parole officers of the department of corrections, having made the allegations of the violations of the conditions of parole, may be represented by the attorney general. ~~((Only such persons as are reasonably necessary to the conducting of such hearings shall be permitted to be present. PROVIDED, That other persons may be admitted to such hearings at the discretion of the board and with the consent of the alleged parole violator.))~~ The attorney general may make independent recommendations to the board about whether the violations constitute sufficient cause for the revocation of the parole and the return of the parolee to a state correctional institution for convicted felons. The hearings shall be open to the public unless the board for specifically stated reasons closes the hearing in whole or in part. The hearings shall be recorded either manually or by a mechanical recording device. An alleged parole violator may be requested to testify and any such testimony shall not be used against him in any criminal prosecution. The board of prison terms and paroles shall adopt rules governing the formal and informal procedures authorized by this chapter and make rules of practice before the board in on-site parole revocation hearings, together with forms and instructions.

Sec. 3. Section 21, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.210 are each amended to read as follows:

Any person involuntarily detained, hospitalized, or committed pursuant to the provisions of this chapter shall have the right to adequate care and individualized treatment. The person who has custody of the patient or is in charge of treatment shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations of the patient that have been filed with the secretary pursuant to this chapter. All records and reports made pursuant to this chapter, shall be made available only upon request, to the committed person, to his attorney, to his personal physician, to the prosecuting attorney, to the court or other expert or professional persons who, upon proper showing, demonstrates a need for access to such records. All records and reports made pursuant to this chapter shall also be made available, upon request, to the department of corrections or the board of prison terms and paroles if the person was on parole or probation at the

time of detention, hospitalization, or commitment or the person is subsequently convicted for the crime for which they were detained, hospitalized, or committed pursuant to this chapter.

Sec. 4. Section 44, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 17, chapter 215, Laws of 1979 ex. sess. and RCW 71-05.390 are each amended to read as follows:

The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his guardian, must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person, not employed by the facility, who does not have the medical responsibility for the patient's care or who is not a designated county mental health professional or who is not involved in providing services under the community mental health services act, chapter 71.24 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his guardian, designates persons to whom information or records may be released, or if the person is a minor, when his parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled.

(5) For program evaluation and/or research: PROVIDED, That the secretary of social and health services adopts rules for the conduct of such evaluation and/or research. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ....., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ .....

(6) To the courts as necessary to the administration of this chapter.

(7) To law enforcement officers ((or)), public health officers, or personnel of the department of corrections or the board of prison terms and paroles for persons who are the subject of the records and who are committed to the custody of the department of corrections or board of prison terms and paroles which information or records are necessary to carry out the responsibilities of their office: PROVIDED, That

(a) Only the fact, place, and date of involuntary admission, the fact and date of discharge, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers or personnel of the department of corrections or board of prison terms and paroles shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his counsel and upon a showing of clear, cogent and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained: PROVIDED HOWEVER, That in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(8) To the attorney of the detained person.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

NEW SECTION. Sec. 5. There is added to chapter 71.06 RCW a new section to read as follows:

The records, files, and other written information prepared by the department of social and health services for individuals committed under this

chapter shall be made available upon request to the department of corrections or the board of prison terms and paroles for persons who are the subject of the records who are committed to the custody of the department of corrections or the board of prison terms and paroles.

Passed the House April 20, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 197

[Engrossed Substitute House Bill No. 493]

### STATE AGENCIES—CERTAIN—SUNSET TERMINATION

AN ACT Relating to state government; adding new sections to chapter 43.131 RCW; repealing section 43.31.010, chapter 8, Laws of 1965 and RCW 43.31.010; repealing section 43.31.020, chapter 8, Laws of 1965 and RCW 43.31.020; repealing section 43.31.030, chapter 8, Laws of 1965 and RCW 43.31.030; repealing section 43.31.040, chapter 8, Laws of 1965, section 2, chapter 10, Laws of 1965, section 2, chapter 221, Laws of 1967, section 6, chapter 70, Laws of 1977 ex. sess., section 13, chapter 295, Laws of 1981 and RCW 43.31.040; repealing section 43.31.050, chapter 8, Laws of 1965, section 53, chapter 75, Laws of 1977 and RCW 43.31.050; repealing section 43.31.060, chapter 8, Laws of 1965 and RCW 43.31.060; repealing section 43.31.070, chapter 8, Laws of 1965 and RCW 43.31.070; repealing section 43.31.080, chapter 8, Laws of 1965 and RCW 43.31.080; repealing section 43.31.110, chapter 8, Laws of 1965, section 109, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.110; repealing section 43.31.120, chapter 8, Laws of 1965 and RCW 43.31.120; repealing section 43.31.130, chapter 8, Laws of 1965, section 110, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.130; repealing section 43.31.140, chapter 8, Laws of 1965 and RCW 43.31.140; repealing section 43.31.150, chapter 8, Laws of 1965 and RCW 43.31.150; repealing section 43.31.160, chapter 8, Laws of 1965, section 54, chapter 75, Laws of 1977 and RCW 43.31.160; repealing section 43.31.170, chapter 8, Laws of 1965 and RCW 43.31.170; repealing section 43.31.180, chapter 8, Laws of 1965 and RCW 43.31.180; repealing section 43.31.200, chapter 8, Laws of 1965, section 42, chapter 171, Laws of 1974 ex. sess. and RCW 43.31.200; repealing section 43.31.210, chapter 8, Laws of 1965 and RCW 43.31.210; repealing section 43.31.220, chapter 8, Laws of 1965 and RCW 43.31.220; repealing section 43.31.230, chapter 8, Laws of 1965 and RCW 43.31.230; repealing section 1, chapter 221, Laws of 1967 and RCW 43.31.350; repealing section 3, chapter 221, Laws of 1967 and RCW 43.31.360; repealing section 4, chapter 221, Laws of 1967 and RCW 43.31.370; repealing section 1, chapter 9, Laws of 1969 and RCW 43.31.400; repealing section 2, chapter 9, Laws of 1969 and RCW 43.31.405; repealing section 3, chapter 9, Laws of 1969 and RCW 43.31.410; repealing section 4, chapter 9, Laws of 1969 and RCW 43.31.415; repealing section 5, chapter 9, Laws of 1969 and RCW 43.31.420; repealing section 1, chapter 148, Laws of 1965, section 2, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.790; repealing section 2, chapter 148, Laws of 1965 and RCW 43.31.800; repealing section 3, chapter 148, Laws of 1965, section 3, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.810; repealing section 4, chapter 148, Laws of 1965, section 4, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.820; repealing section 5, chapter 148, Laws of 1965, section 5, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.830; repealing section 1, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.831; repealing section 2, chapter 93, Laws of 1972 ex. sess., section 8, chapter 292, Laws of 1975 1st ex. sess., section 1, chapter 2, Laws of 1981 2nd ex. sess. and RCW 43.31.832; repealing section 3, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.833; repealing section 4, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.834; repealing section 6, chapter 148, Laws of 1965, section 6, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.840; repealing section 8, chapter 148, Laws of 1965, section 7, chapter 292, Laws of 1975 1st ex. sess.



and RCW 43.31.850; repealing section 10, chapter 148, Laws of 1965 and RCW 43.31.860; repealing section 1, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.870; repealing section 2, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.875; repealing section 3, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.880; repealing section 4, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.885; repealing section 5, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.890; repealing section 6, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.895; repealing section 7, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.900; repealing section 8, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.910; repealing section 1, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.915; repealing section 2, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.920; repealing section 3, chapter 70, Laws of 1977 ex. sess., section 9, chapter 6, Laws of 1982 and RCW 43.31.925; repealing section 4, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.930; repealing section 5, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.935; repealing section 2, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.940; repealing section 3, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.942; repealing section 4, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.944; repealing section 5, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.946; repealing section 6, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.948; repealing section 1, chapter 260, Laws of 1979 ex. sess., section 1, chapter 244, Laws of 1981 and RCW 43.31.956; repealing section 2, chapter 260, Laws of 1979 ex. sess. and RCW 43.31.958; repealing section 3, chapter 260, Laws of 1979 ex. sess. and RCW 43.31.960; repealing section 4, chapter 260, Laws of 1979 ex. sess. and RCW 43.31.962; repealing section 5, chapter 260, Laws of 1979 ex. sess. and RCW 43.31.964; repealing section 1, chapter 277, Laws of 1969 ex. sess., section 1, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.010; repealing section 2, chapter 277, Laws of 1969 ex. sess. section 2, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.020; repealing section 3, chapter 277, Laws of 1969 ex. sess., section 3, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.030; repealing section 2, chapter 201, Laws of 1977 ex. sess. and RCW 28B.80.035; repealing section 4, chapter 277, Laws of 1969 ex. sess., section 4, chapter 132, Laws of 1975 1st ex. sess., section 43, chapter 169, Laws of 1977 ex. sess. and RCW 28B.80.040; repealing section 5, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.050; repealing section 6, chapter 277, Laws of 1969 ex. sess., section 5, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.060; repealing section 7, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.070; repealing section 9, chapter 277, Laws of 1969 ex. sess., section 6, chapter 132, Laws of 1975 1st ex. sess., section 22, chapter 151, Laws of 1979 and RCW 28B.80.080; repealing section 10, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.090; repealing section 12, chapter 277, Laws of 1969 ex. sess., section 77, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.80.110; repealing section 13, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.120; repealing section 1, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.130; repealing section 2, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.140; repealing section 3, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.150; repealing section 4, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.160; repealing section 5, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.170; repealing section 9, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.200; repealing section 12, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.210; repealing section 13, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.220; repealing section 14, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.230; repealing section 15, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.240; repealing section 27, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.250; repealing section 28, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.260; repealing section 29, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.270; repealing section 14, chapter 277, Laws of 1969 ex. sess., section 10, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.900; repealing section 15, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.910; repealing section 43.46.010, chapter 8, Laws of 1965 and RCW 43.46.010; repealing section 43.46.020, chapter 8, Laws of 1965, section 3, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.020; repealing section 43.46.030, chapter 8, Laws of 1965, section 4, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.030; repealing section 43.46.040, chapter 8, Laws of 1965 and RCW 43.46.040; repealing section 2, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.045; repealing section 43.46.050, chapter 8, Laws of 1965 and RCW 43.46.050; repealing section 1, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.055; repealing section 43.46.060, chapter 8, Laws of 1965 and

RCW 43.46.060; repealing section 43.46.070, chapter 8, Laws of 1965 and RCW 43.46.070; repealing section 43.46.080, chapter 8, Laws of 1965 and RCW 43.46.080; repealing section 1, chapter 176, Laws of 1974 ex. sess. and RCW 43.46.090; repealing section 1, chapter 30, Laws of 1899 and RCW 27.40.010; repealing section 2, chapter 30, Laws of 1899 and RCW 27.40.020; repealing section 3, chapter 30, Laws of 1899 and RCW 27.40.030; repealing section 1, chapter 159, Laws of 1975 1st ex. sess. and RCW 27.40.034; repealing section 2, chapter 159, Laws of 1975 1st ex. sess. and RCW 27.40.036; repealing section 4, chapter 30, Laws of 1899 and RCW 27.40.040; repealing section 1, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.010; repealing section 2, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.020; repealing section 3, chapter 158, Laws of 1969 ex. sess., section 73, chapter 158, Laws of 1979 and RCW 18.96.030; repealing section 4, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.040; repealing section 5, chapter 158, Laws of 1969 ex. sess., section 54, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.96.050; repealing section 6, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.060; repealing section 7, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.070; repealing section 8, chapter 158, Laws of 1969 ex. sess., section 85, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.080; repealing section 9, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.090; repealing section 10, chapter 158, Laws of 1969 ex. sess., section 86, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.100; repealing section 11, chapter 158, Laws of 1969 ex. sess., section 87, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.110; repealing section 12, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.120; repealing section 13, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.130; repealing section 14, chapter 158, Laws of 1969 ex. sess., section 88, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.140; repealing section 15, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.150; repealing section 16, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.160; repealing section 17, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.170; repealing section 18, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.180; repealing section 19, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.900; repealing section 1, chapter 90, Laws of 1979 ex. sess. and RCW 38.40.170; repealing section 2, chapter 90, Laws of 1979 ex. sess. and RCW 38.40.180; repealing section 3, chapter 90, Laws of 1979 ex. sess. and RCW 38.40.190; repealing section 1, chapter 1, Laws of 1973, section 1, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.010; repealing section 3, chapter 1, Laws of 1973, section 2, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.030; repealing section 4, chapter 1, Laws of 1973, section 3, chapter 294, Laws of 1975 1st ex. sess., section 1, chapter 336, Laws of 1977 ex. sess., section 1, chapter 147, Laws of 1982 and RCW 42.17.040; repealing section 5, chapter 1, Laws of 1973, section 2, chapter 147, Laws of 1982 and RCW 42.17.050; repealing section 6, chapter 1, Laws of 1973, section 4, chapter 294, Laws of 1975 1st ex. sess., section 3, chapter 313, Laws of 1977 ex. sess., section 3, chapter 147, Laws of 1982 and RCW 42.17.060; repealing section 5, chapter 294, Laws of 1975 1st ex. sess., section 4, chapter 147, Laws of 1982 and RCW 42.17.065; repealing section 9, chapter 112, Laws of 1975-'76 2nd ex. sess., section 5, chapter 147, Laws of 1982 and RCW 42.17.067; repealing section 7, chapter 1, Laws of 1973 and RCW 42.17.070; repealing section 8, chapter 1, Laws of 1973, section 6, chapter 294, Laws of 1975 1st ex. sess., section 6, chapter 147, Laws of 1982 and RCW 42.17.080; repealing section 9, chapter 1, Laws of 1973, section 7, chapter 294, Laws of 1975 1st ex. sess., section 3, chapter 112, Laws of 1975-'76 2nd ex. sess., section 2, chapter 336, Laws of 1977 ex. sess., section 7, chapter 147, Laws of 1982 and RCW 42.17.090; repealing section 3, chapter 336, Laws of 1977 ex. sess., section 8, chapter 147, Laws of 1982 and RCW 42.17.095; repealing section 10, chapter 1, Laws of 1973, section 4, chapter 112, Laws of 1975-'76 2nd ex. sess., section 9, chapter 147, Laws of 1982 and RCW 42.17.100; repealing section 11, chapter 1, Laws of 1973, section 5, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.110; repealing section 12, chapter 1, Laws of 1973, section 8, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.120; repealing section 6, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.125; repealing section 15, chapter 1, Laws of 1973, section 10, chapter 147, Laws of 1982 and RCW 42.17.150; repealing section 21, chapter 294, Laws of 1975 1st ex. sess., section 11, chapter 147, Laws of 1982 and RCW 42.17.155; repealing section 16, chapter 1, Laws of 1973, section 9, chapter 294, Laws of 1975 1st ex. sess., section 4, chapter 313, Laws of 1977 ex. sess., section 12, chapter 147, Laws of 1982 and RCW 42.17.160; repealing section 17, chapter 1, Laws of 1973, section 10, chapter 294, Laws of 1975 1st ex. sess., section 5, chapter 313, Laws of

1977 ex. sess., section 13, chapter 147, Laws of 1982 and RCW 42.17.170; repealing section 18, chapter 1, Laws of 1973, section 11, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.180; repealing section 19, chapter 1, Laws of 1973, section 12, chapter 294, Laws of 1975 1st ex. sess., section 6, chapter 313, Laws of 1977 ex. sess., section 1, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.190; repealing section 20, chapter 1, Laws of 1973 and RCW 42.17.200; repealing section 21, chapter 1, Laws of 1973 and RCW 42.17.210; repealing section 22, chapter 1, Laws of 1973 and RCW 42.17.220; repealing section 23, chapter 1, Laws of 1973, section 14, chapter 147, Laws of 1982 and RCW 42.17.230; repealing section 9, chapter 10, Laws of 1982 and RCW 42.17.240; repealing section 42, chapter 126, Laws of 1979 ex. sess. and RCW 42.17.241; repealing section 4, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.242; repealing section 5, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.243; repealing section 10, chapter 112, Laws of 1975-'76 2nd ex. sess., section 1, chapter 102, Laws of 1981 and RCW 42.17.245; repealing section 35, chapter 1, Laws of 1973, section 23, chapter 294, Laws of 1975 1st ex. sess., section 93, chapter 34, Laws of 1975-'76 2nd ex. sess., section 8, chapter 112, Laws of 1975-'76 2nd ex. sess., section 15, chapter 147, Laws of 1982 and RCW 42.17.350; repealing section 36, chapter 1, Laws of 1973 and RCW 42.17.360; repealing section 37, chapter 1, Laws of 1973, section 25, chapter 294, Laws of 1975 1st ex. sess., section 7, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.370; repealing section 38, chapter 1, Laws of 1973, section 26, chapter 294, Laws of 1975 1st ex. sess., section 196, chapter 35, Laws of 1982 and RCW 42.17.380; repealing section 12, chapter 112, Laws of 1975-'76 2nd ex. sess., section 16, chapter 147, Laws of 1982 and RCW 42.17.395; repealing section 13, chapter 112, Laws of 1975-'76 2nd ex. sess., section 17, chapter 147, Laws of 1982 and RCW 42.17.397; repealing section 1, chapter 60, Laws of 1982 and RCW 42.17.405; repealing section 42, chapter 1, Laws of 1973 and RCW 42.17.420; repealing section 43, chapter 1, Laws of 1973 and RCW 42.17.430; repealing section 45, chapter 1, Laws of 1973 and RCW 42.17.450; repealing section 7, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.400; repealing section 8, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.405; repealing section 9, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.410; repealing section 10, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.415; repealing section 11, chapter 215, Laws of 1969 ex. sess., section 9, chapter 131, Laws of 1973, section 18, chapter 87, Laws of 1980, section 99, chapter 3, Laws of 1983 and RCW 41.56.420; repealing section 8, chapter 61, Laws of 1961, section 11, chapter 7, Laws of 1975 1st ex. sess., section 21, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.76.170; repealing section 46.32.010, chapter 12, Laws of 1961, section 48, chapter 32, Laws of 1967, section 156, chapter 158, Laws of 1979, section 67, chapter 136, Laws of 1979 ex. sess. and RCW 46.32.010; repealing section 46.32.020, chapter 12, Laws of 1961 and RCW 46.32.020; repealing section 46.32.030, chapter 12, Laws of 1961 and RCW 46.32.030; repealing section 46.32.040, chapter 12, Laws of 1961 and RCW 46.32.040; repealing section 46.32.050, chapter 12, Laws of 1961, section 68, chapter 136, Laws of 1979 ex. sess. and RCW 46.32.050; repealing section 46.32.060, chapter 12, Laws of 1961 and RCW 46.32.060; repealing section 46.32.070, chapter 12, Laws of 1961 and RCW 46.32.070; repealing section 21, page 711, Laws of 1889 and RCW 90.28.030; repealing section 43.03.080, chapter 8, Laws of 1965 and RCW 43.03.080; repealing section 43.03.090, chapter 8, Laws of 1965 and RCW 43.03.090; repealing section 43.03.100, chapter 8, Laws of 1965 and RCW 43.03.100; repealing section 1, page 470, Laws of 1890 and RCW 76.28.010; repealing section 2, page 470, Laws of 1890, section 1, chapter 52, Laws of 1907, section 1, chapter 33, Laws of 1957 and RCW 76.28.020; repealing section 3, page 471, Laws of 1890 and RCW 76.28.030; repealing section 4, page 471, Laws of 1890, section 1, chapter 123, Laws of 1953, section 17, chapter 82, Laws of 1969 and RCW 76.28.040; repealing section 5, page 472, Laws of 1890 and RCW 76.28.050; repealing section 6, page 472, Laws of 1890 and RCW 76.28.060; repealing section 7, page 472, Laws of 1890 and RCW 76.28.070; repealing section 8, page 472, Laws of 1890 and RCW 76.28.080; repealing section 9, page 473, Laws of 1890 and RCW 76.28.090; repealing section 1, chapter 72, Laws of 1895 and RCW 76.32.010; repealing section 2, chapter 72, Laws of 1895 and RCW 76.32.020; repealing section 3, chapter 72, Laws of 1895, section 1, chapter 119, Laws of 1905, section 1, chapter 34, Laws of 1957 and RCW 76.32.030; repealing section 4, chapter 72, Laws of 1895, section 1, chapter 31, Laws of 1897, section 1, chapter 57, Laws of 1905 and RCW 76.32.040; repealing section 5, chapter 72, Laws of 1895, section 1, chapter 140, Laws of 1901, section 1, chapter 229, Laws of 1909, section 1, chapter 124, Laws of 1953, section 18, chapter 82, Laws of 1969

and RCW 76.32.050; repealing section 6, chapter 72, Laws of 1895 and RCW 76.32.060; repealing section 7, chapter 72, Laws of 1895 and RCW 76.32.070; repealing section 8, chapter 72, Laws of 1895 and RCW 76.32.080; repealing section 1, chapter 82, Laws of 1905 and RCW 76.24.010; repealing section 2, chapter 82, Laws of 1905 and RCW 76.24.020; repealing section 3, chapter 82, Laws of 1905, section 16, chapter 82, Laws of 1969 and RCW 76.24.030; repealing section 4, chapter 82, Laws of 1905 and RCW 76.24.040; repealing section 1, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.010; repealing section 2, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.020; repealing section 3, chapter 285, Laws of 1971 ex. sess. and RCW 28C.04.025; repealing section 4, chapter 285, Laws of 1971 ex. sess., section 13, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.026; repealing section 3, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.030; repealing section 4, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.040; repealing section 5, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.050; repealing section 6, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.060; repealing section 8, chapter 174, Laws of 1975 1st ex. sess., section 79, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28C.04.070; repealing section 10, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.080; repealing section 28B.50.230, chapter 223, Laws of 1969 ex. sess., section 14, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.090; repealing section 1, chapter 98, Laws of 1969 ex. sess. and RCW 28C.04.140; repealing section 7, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.150; repealing section 11, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.160; repealing section 28A.09.070, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.200; repealing section 28A.09.080, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.210; repealing section 28A.09.090, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.220; repealing section 28B.50.240, chapter 223, Laws of 1969 ex. sess., section 24, chapter 261, Laws of 1969 ex. sess., section 1, chapter 285, Laws of 1971 ex. sess., section 41, chapter 3, Laws of 1983 and RCW 28C.04.230; repealing section 1, chapter 17, Laws of 1972 ex. sess., section 1, chapter 63, Laws of 1973 and RCW 28C.04.240; repealing section 52, chapter 283, Laws of 1969 ex. sess., section 76, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28C.04.300; repealing section 53, chapter 283, Laws of 1969 ex. sess., section 16, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.310; repealing section 9, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.500; repealing section 12, chapter 174, Laws of 1975 1st ex. sess., section 1, chapter 86, Laws of 1975-'76 2nd ex. sess., section 23, chapter 151, Laws of 1979 and RCW 28C.04.510; repealing section 1, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.010; repealing section 2, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.020; repealing section 3, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.030; repealing section 4, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.040; repealing section 5, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.050; repealing section 6, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.060; repealing section 8, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.900; repealing section 1, chapter 225, Laws of 1979 ex. sess., section 1, chapter 48, Laws of 1982 1st ex. sess. and RCW 28C.51.010; repealing section 2, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.020; repealing section 3, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.030; repealing section 4, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.040; repealing section 5, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.050; repealing section 6, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.060; repealing section 2, chapter 31, Laws of 1975-'76 2nd ex. sess. and RCW 27.26.010; repealing section 1, chapter 31, Laws of 1975-'76 2nd ex. sess. and RCW 27.26.020; repealing section 1, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.010; repealing section 2, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.020; repealing section 3, chapter 188, Laws of 1979 ex. sess., section 1, chapter 283, Laws of 1981 and RCW 28B.05.030; repealing section 4, chapter 188, Laws of 1979 ex. sess., section 1, chapter 82, Laws of 1980, section 2, chapter 283, Laws of 1981 and RCW 28B.05.040; repealing section 5, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.050; repealing section 6, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.060; repealing section 7, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.070; repealing section 8, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.080; repealing section 9, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.090; repealing section 10, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.100; repealing section 11, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.110; repealing section 12, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.120; repealing section 13, chapter 188, Laws of 1979 ex. sess., section 3, chapter 283,

Laws of 1981 and RCW 28B.05.130; repealing section 14, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.140; repealing section 15, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.150; repealing section 16, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.160; repealing section 17, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.170; repealing section 18, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.180; repealing section 19, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.190; repealing section 20, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.200; repealing section 21, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.210; repealing section 22, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.220; repealing section 23, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.230; repealing section 24, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.240; repealing section 27, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.900; repealing section 28, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.950; repealing section 13, chapter 36, Laws of 1919 and RCW 18.36.010; repealing section 12, chapter 36, Laws of 1919 and RCW 18.36.020; repealing section 8, chapter 36, Laws of 1919 and RCW 18.36.030; repealing section 3, chapter 36, Laws of 1919, section 39, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.040; repealing section 11, chapter 36, Laws of 1919, section 40, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.050; repealing section 4, chapter 36, Laws of 1919 and RCW 18.36.060; repealing section 1, chapter 83, Laws of 1953, section 7, chapter 266, Laws of 1971 ex. sess., section 41, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.115; repealing section 14, chapter 36, Laws of 1919 and RCW 18.36.120; repealing section 7, chapter 36, Laws of 1919 and RCW 18.36.130; repealing section 10, chapter 36, Laws of 1919 and RCW 18.36.140; repealing section 9, chapter 36, Laws of 1919 and RCW 18.36.150; repealing section 17, chapter 36, Laws of 1919 and RCW 18.36.165; repealing section 1, chapter 10, Laws of 1925 and RCW 18.36.170; repealing section 2, chapter 10, Laws of 1925 and RCW 18.36.200; repealing section 3, chapter 10, Laws of 1925 and RCW 18.36.210; repealing section 4, chapter 10, Laws of 1925 and RCW 18.36.220; repealing section 5, chapter 10, Laws of 1925 and RCW 18.36.230; repealing section 6, chapter 10, Laws of 1925 and RCW 18.36.240; repealing section 7, chapter 10, Laws of 1925 and RCW 18.36.245; repealing section 1, chapter 171, Laws of 1967 and RCW 18.26.010; repealing section 2, chapter 171, Laws of 1967 and RCW 18.26.020; repealing section 3, chapter 171, Laws of 1967, section 12, chapter 97, Laws of 1974 ex. sess., section 1, chapter 39, Laws of 1975 1st ex. sess., section 17, chapter 111, Laws of 1979 ex. sess. and RCW 18.26.030; repealing section 15, chapter 97, Laws of 1974 ex. sess., section 19, chapter 158, Laws of 1979 and RCW 18.26.035; repealing section 9, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.037; repealing section 1, chapter 46, Laws of 1980 and RCW 18.26.040; repealing section 5, chapter 171, Laws of 1967, section 21, chapter 158, Laws of 1979 and RCW 18.26.050; repealing section 6, chapter 171, Laws of 1967 and RCW 18.26.060; repealing section 2, chapter 46, Laws of 1980 and RCW 18.26.070; repealing section 8, chapter 171, Laws of 1967 and RCW 18.26.080; repealing section 9, chapter 171, Laws of 1967 and RCW 18.26.090; repealing section 10, chapter 171, Laws of 1967 and RCW 18.26.100; repealing section 11, chapter 171, Laws of 1967, section 2, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.110; repealing section 12, chapter 171, Laws of 1967, section 3, chapter 39, Laws of 1975 1st ex. sess., section 19, chapter 67, Laws of 1981 and RCW 18.26.120; repealing section 13, chapter 171, Laws of 1967, section 4, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.130; repealing section 14, chapter 171, Laws of 1967 and RCW 18.26.140; repealing section 15, chapter 171, Laws of 1967 and RCW 18.26.150; repealing section 16, chapter 171, Laws of 1967, section 5, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.160; repealing section 17, chapter 171, Laws of 1967, section 6, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.170; repealing section 18, chapter 171, Laws of 1967, section 7, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.180; repealing section 19, chapter 171, Laws of 1967, section 23, chapter 158, Laws of 1979 and RCW 18.26.190; repealing section 20, chapter 171, Laws of 1967 and RCW 18.26.200; repealing section 21, chapter 171, Laws of 1967, section 24, chapter 158, Laws of 1979, section 19, chapter 111, Laws of 1979 ex. sess. and RCW 18.26.210; repealing section 22, chapter 171, Laws of 1967, section 25, chapter 158, Laws of 1979 and RCW 18.26.220; repealing section 23, chapter 171, Laws of 1967, section 26, chapter 158, Laws of 1979 and RCW 18.26.230; repealing section 24, chapter 171, Laws of 1967, section 27, chapter 158, Laws of 1979 and RCW 18.26.240; repealing section 25, chapter 171, Laws of 1967 and RCW 18.26.250; repealing section 27, chapter 171, Laws of 1967, section 8, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.270;

repealing section 28, chapter 171, Laws of 1967 and RCW 18.26.280; repealing section 29, chapter 171, Laws of 1967, section 28, chapter 158, Laws of 1979 and RCW 18.26.290; repealing section 30, chapter 171, Laws of 1967, section 29, chapter 158, Laws of 1979 and RCW 18.26.300; repealing section 32, chapter 171, Laws of 1967 and RCW 18.26.310; repealing section 31, chapter 171, Laws of 1967 and RCW 18.26.900; repealing section 3, chapter 53, Laws of 1981 and RCW 18.50.140; repealing section 4, chapter 53, Laws of 1981 and RCW 18.50.150; repealing section 1, page 473, Laws of 1890, section 1, chapter 137, Laws of 1907, section 1, chapter 6, Laws of 1937 and RCW 42.28.010; repealing section 1, page 52, Laws of 1862, section 1, page 501, Laws of 1863, section 1, page 375, Laws of 1869, section 3, page 467, Laws of 1873, section 2615, Code of 1881, section 2, page 473, Laws of 1890 and RCW 42.28.020; repealing section 3, page 473, Laws of 1890, section 1, chapter 85, Laws of 1975 1st ex. sess., section 1, chapter 314, Laws of 1981 and RCW 42.28.030; repealing section 5, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.035; repealing section 4, page 474, Laws of 1890 and RCW 42.28.040; repealing section 1, chapter 32, Laws of 1913 and RCW 42.28.050; repealing section 5, chapter 474, Laws of 1890, section 2, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.060; repealing section 6, chapter 474, Laws of 1890, section 3, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.070; repealing section 1, chapter 56, Laws of 1907, section 7, chapter 51, Laws of 1951, section 4, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.090; repealing section 10, page 255, Laws of 1877, section 2623, Code of 1881, section 9, page 475, Laws of 1890 and RCW 42.28.100; repealing section 10, page 476, Laws of 1890, section 1, chapter 97, Laws of 1943 and RCW 42.28.110; repealing section 1, page 90, Laws of 1890, section 1, page 91, Laws of 1890 and RCW 42.28.120; repealing section 2, chapter 90, Laws of 1890 and RCW 42.28.130; repealing section 11, chapter 117, Laws of 1951, section 1, chapter 85, Laws of 1971 ex. sess., section 65, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.100; repealing section 12, chapter 117, Laws of 1951, section 66, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.110; repealing section 4, chapter 208, Laws of 1973 1st ex. sess., section 43, chapter 34, Laws of 1975-76 2nd ex. sess., section 2, chapter 261, Laws of 1979 ex. sess., section 13, chapter 338, Laws of 1981 and RCW 18.73.040; repealing section 5, chapter 208, Laws of 1973 1st ex. sess., section 3, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.050; repealing section 1, chapter 114, Laws of 1979 and RCW 18.52A.010; repealing section 2, chapter 114, Laws of 1979 and RCW 18.52A.020; repealing section 3, chapter 114, Laws of 1979 and RCW 18.52A.030; repealing section 4, chapter 114, Laws of 1979 and RCW 18.52A.040; repealing section 5, chapter 114, Laws of 1979 and RCW 18.52A.050; repealing section 6, chapter 114, Laws of 1979 and RCW 18.52A.060; repealing section 1, chapter 222, Laws of 1949, section 1, chapter 15, Laws of 1963, section 1, chapter 79, Laws of 1967 and RCW 18.78.010; repealing section 2, chapter 222, Laws of 1949, section 2, chapter 79, Laws of 1967 and RCW 18.78.020; repealing section 3, chapter 222, Laws of 1949 and RCW 18.78.030; repealing section 4, chapter 222, Laws of 1949, section 4, chapter 188, Laws of 1967, section 45, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 18.78.040; repealing section 5, chapter 222, Laws of 1949, section 3, chapter 79, Laws of 1967, section 64, chapter 158, Laws of 1979 and RCW 18.78.050; repealing section 6, chapter 222, Laws of 1949, section 2, chapter 15, Laws of 1963, section 26, chapter 292, Laws of 1971 ex. sess. and RCW 18.78.060; repealing section 7, chapter 222, Laws of 1949 and RCW 18.78.070; repealing section 9, chapter 222, Laws of 1949, section 3, chapter 15, Laws of 1963, section 68, chapter 30, Laws of 1975 1st ex. sess., section 65, chapter 158, Laws of 1979 and RCW 18.78.080; repealing section 10, chapter 222, Laws of 1949, section 4, chapter 15, Laws of 1963, section 4, chapter 79, Laws of 1967, section 14, chapter 266, Laws of 1971 ex. sess., section 69, chapter 30, Laws of 1975 1st ex. sess., section 66, chapter 158, Laws of 1979 and RCW 18.78.090; repealing section 11, chapter 222, Laws of 1949, section 1, chapter 68, Laws of 1971 and RCW 18.78.100; repealing section 12, chapter 222, Laws of 1949, section 46, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 18.78.110; repealing section 13, chapter 222, Laws of 1949, section 47, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 18.78.120; repealing section 14, chapter 222, Laws of 1949 and RCW 18.78.130; repealing section 15, chapter 222, Laws of 1949, section 60, chapter 81, Laws of 1971 and RCW 18.78.140; repealing section 16, chapter 222, Laws of 1949 and RCW 18.78.150; repealing section 17, chapter 222, Laws of 1949 and RCW 18.78.160; repealing section 18, chapter 222, Laws of 1949, section 5, chapter 79, Laws of 1967 and RCW 18.78.170; repealing section 7, chapter 79, Laws of 1967 and RCW 18.78.175; repealing section 6,

chapter 79, Laws of 1967, section 2, chapter 68, Laws of 1971 and RCW 18.78.182; repealing section 19, chapter 222, Laws of 1949 and RCW 18.78.900; repealing section 1, chapter 202, Laws of 1949, section 1, chapter 133, Laws of 1973 and RCW 18.88.010; repealing section 2, chapter 202, Laws of 1949, section 2, chapter 133, Laws of 1973 and RCW 18.88.020; repealing section 4, chapter 202, Laws of 1949, section 1, chapter 288, Laws of 1961, section 3, chapter 133, Laws of 1973, section 69, chapter 158, Laws of 1979 and RCW 18.88.030; repealing section 5, chapter 202, Laws of 1949, section 4, chapter 133, Laws of 1973 and RCW 18.88.050; repealing section 6, chapter 202, Laws of 1949, section 3, chapter 288, Laws of 1961, section 5, chapter 133, Laws of 1973 and RCW 18.88.060; repealing section 7, chapter 202, Laws of 1949, section 6, chapter 133, Laws of 1973 and RCW 18.88.070; repealing section 8, chapter 202, Laws of 1949, section 4, chapter 288, Laws of 1961, section 7, chapter 133, Laws of 1973, section 50, chapter 34, Laws of 1975-'76 2nd ex. sess., section 12, chapter 75, Laws of 1977 and RCW 18.88.080; repealing section 9, chapter 202, Laws of 1949, section 5, chapter 288, Laws of 1961, section 8, chapter 133, Laws of 1973, section 51, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.88.090; repealing section 10, chapter 202, Laws of 1949, section 6, chapter 288, Laws of 1961, section 9, chapter 133, Laws of 1973 and RCW 18.88.100; repealing section 11, chapter 202, Laws of 1949, section 10, chapter 133, Laws of 1973 and RCW 18.88.110; repealing section 12, chapter 202, Laws of 1949, section 11, chapter 133, Laws of 1973 and RCW 18.88.120; repealing section 13, chapter 202, Laws of 1949, section 7, chapter 288, Laws of 1961, section 12, chapter 133, Laws of 1973 and RCW 18.88.130; repealing section 14, chapter 202, Laws of 1949, section 8, chapter 288, Laws of 1961, section 13, chapter 133, Laws of 1973 and RCW 18.88.140; repealing section 15, chapter 202, Laws of 1949, section 9, chapter 288, Laws of 1961, section 14, chapter 133, Laws of 1973 and RCW 18.88.150; repealing section 16, chapter 202, Laws of 1949, section 10, chapter 288, Laws of 1961, section 15, chapter 133, Laws of 1973, section 77, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.88.160; repealing section 17, chapter 202, Laws of 1949, section 16, chapter 133, Laws of 1973 and RCW 18.88.170; repealing section 18, chapter 202, Laws of 1949, section 17, chapter 133, Laws of 1973 and RCW 18.88.180; repealing section 16, chapter 288, Laws of 1961 and RCW 18.88.185; repealing section 19, chapter 202, Laws of 1949, section 11, chapter 288, Laws of 1961, section 18, chapter 266, Laws of 1971 ex. sess., section 18, chapter 133, Laws of 1973, section 78, chapter 30, Laws of 1975 1st ex. sess., section 1, chapter 106, Laws of 1979 ex. sess. and RCW 18.88.190; repealing section 20, chapter 202, Laws of 1949, section 12, chapter 288, Laws of 1961, section 19, chapter 133, Laws of 1973, section 79, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.88.200; repealing section 21, chapter 202, Laws of 1949 and RCW 18.88.210; repealing section 22, chapter 202, Laws of 1949, section 20, chapter 133, Laws of 1973 and RCW 18.88.220; repealing section 23, chapter 202, Laws of 1949, section 21, chapter 133, Laws of 1973 and RCW 18.88.230; repealing section 24, chapter 202, Laws of 1949, section 22, chapter 133, Laws of 1973 and RCW 18.88.240; repealing section 25, chapter 202, Laws of 1949, section 23, chapter 133, Laws of 1973 and RCW 18.88.250; repealing section 26, chapter 202, Laws of 1949, section 24, chapter 133, Laws of 1973 and RCW 18.88.260; repealing section 15, chapter 288, Laws of 1961, section 25, chapter 133, Laws of 1973 and RCW 18.88.265; repealing section 27, chapter 202, Laws of 1949, section 26, chapter 133, Laws of 1973 and RCW 18.88.270; repealing section 28, chapter 202, Laws of 1949, section 13, chapter 288, Laws of 1961, section 27, chapter 133, Laws of 1973 and RCW 18.88.280; repealing section 14, chapter 288, Laws of 1961, section 9, chapter 79, Laws of 1967, section 28, chapter 133, Laws of 1973 and RCW 18.88.285; repealing section 1, chapter 62, Laws of 1955 and RCW 18.88.290; repealing section 29, chapter 133, Laws of 1973 and RCW 18.88.300; repealing section 29, chapter 202, Laws of 1949 and RCW 18.88.900; repealing section 1, chapter 45, Laws of 1925 ex. sess., section 1, chapter 40, Laws of 1955, section 1, chapter 271, Laws of 1961, section 1, chapter 124, Laws of 1967, section 1, chapter 40, Laws of 1971, section 1, chapter 18, Laws of 1973, section 1, chapter 112, Laws of 1977 ex. sess. and RCW 2.52.010; repealing section 2, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.020; repealing section 3, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.030; repealing section 4, chapter 45, Laws of 1925 ex. sess., section 2, chapter 112, Laws of 1977 ex. sess. and RCW 2.52.040; repealing section 1, chapter 260, Laws of 1981 and RCW 2.52.050; repealing section 6, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.060; repealing section 7, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.070; repealing section 8, chapter 45, Laws of 1925 ex. sess., section 5, chapter 34, Laws of 1975-'76 2nd ex. sess.

and RCW 2.52.080; repealing section 9, chapter 94, Laws of 1974 ex. sess., section 4, chapter 132, Laws of 1981 and RCW 43.101.090; repealing section 10, chapter 94, Laws of 1974 ex. sess., section 5, chapter 132, Laws of 1981 and RCW 43.101.100; repealing section 11, chapter 94, Laws of 1974 ex. sess., section 6, chapter 132, Laws of 1981 and RCW 43.101.110; repealing section 12, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.120; repealing section 13, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.130; repealing section 14, chapter 94, Laws of 1974 ex. sess., section 127, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.101.140; repealing section 15, chapter 94, Laws of 1974 ex. sess., section 2, chapter 82, Laws of 1975 1st ex. sess. and RCW 43.101.150; and repealing section 16, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.160.

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

NEW SECTION. Sec. 1. The agencies and programs scheduled for termination in sections 2 through 55 of this act shall be subject to all of the processes provided in RCW 43.131.010 through 43.131.110.

NEW SECTION. Sec. 2. The department of commerce and economic development and its powers and duties shall be terminated on June 30, 1985, as provided in section 28 of this act.

NEW SECTION. Sec. 3. The council for postsecondary education and its powers and duties shall be terminated on June 30, 1985, as provided in section 29 of this act.

NEW SECTION. Sec. 4. The state arts commission and its powers and duties shall be terminated on June 30, 1985, as provided in section 30 of this act.

NEW SECTION. Sec. 5. The museum of the University of Washington and its powers and duties shall be terminated on June 30, 1985, as provided in section 31 of this act.

NEW SECTION. Sec. 6. The regulation of landscape architects under chapter 18.96 RCW shall be terminated on June 30, 1985, as provided in section 32 of this act.

NEW SECTION. Sec. 7. The national guard educational assistance program shall be terminated on June 30, 1985, as provided in section 33 of this act.

NEW SECTION. Sec. 8. The public disclosure commission and its powers and duties shall be terminated on June 30, 1986, as provided in section 34 of this act.

NEW SECTION. Sec. 9. The interim committee on public employees collective bargaining and its powers and duties shall be terminated on June 30, 1986, as provided in section 35 of this act.

NEW SECTION. Sec. 10. The fairs commission and its powers and duties shall be terminated on June 30, 1986, as provided in section 36 of this act.

NEW SECTION. Sec. 11. The vehicle inspection program under chapter 46.32 RCW shall be terminated on June 30, 1986, as provided in section 37 of this act.



NEW SECTION. Sec. 12. The regulation of ditches across highways under RCW 90.28.030 shall be terminated on June 30, 1986, as provided in section 38 of this act.

NEW SECTION. Sec. 13. The establishment of minimum salaries for state employees under RCW 43.03.080 through 43.03.100 shall be terminated on June 30, 1986, as provided in section 39 of this act.

NEW SECTION. Sec. 14. The regulation of boom companies under chapter 76.28 RCW shall be terminated on June 30, 1986, as provided in section 40 of this act.

NEW SECTION. Sec. 15. The regulation of log driving companies under chapter 76.32 RCW shall be terminated on June 30, 1986, as provided in section 41 of this act.

NEW SECTION. Sec. 16. The regulation of toll logging roads under chapter 76.24 RCW shall be terminated on June 30, 1986, as provided in section 42 of this act.

NEW SECTION. Sec. 17. The commission on vocational education and its powers and duties shall be terminated on June 30, 1986, as provided in section 43 of this act.

NEW SECTION. Sec. 18. The Washington library network under chapter 27.26 RCW shall be terminated on June 30, 1985, as provided in section 44 of this act.

NEW SECTION. Sec. 19. The educational services registration act shall be terminated on June 30, 1986, as provided in section 45 of this act.

NEW SECTION. Sec. 20. The regulation of drugless healing under chapter 18.36 RCW shall be terminated on June 30, 1987, as provided in section 46 of this act.

NEW SECTION. Sec. 21. The chiropractic disciplinary board and its powers and duties shall be terminated on June 30, 1987, as provided in section 47 of this act.

NEW SECTION. Sec. 22. The midwifery advisory committee and its powers and duties shall be terminated on June 30, 1987, as provided in section 48 of this act.

NEW SECTION. Sec. 23. The regulation of notaries public and commissioners of deeds under chapter 42.28 RCW shall be terminated on June 30, 1987, as provided in section 49 of this act.

NEW SECTION. Sec. 24. The nursing home advisory council and its powers and duties shall be terminated on June 30, 1987, as provided in section 50 of this act.

NEW SECTION. Sec. 25. The emergency medical services committee and its powers and duties shall be terminated on June 30, 1987, as provided in section 51 of this act.

NEW SECTION. Sec. 26. The regulation of nurses under chapter 18-.52A, 18.78, and 18.88 RCW shall be terminated on June 30, 1987, as provided in section 52 of this act.

NEW SECTION. Sec. 27. The judicial council and its powers and duties shall be terminated on June 30, 1987, as provided in section 53 of this act.

PART A  
DEPARTMENT OF COMMERCE AND ECONOMIC  
DEVELOPMENT

NEW SECTION. Sec. 28. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1986:

- (1) Section 43.31.010, chapter 8, Laws of 1965 and RCW 43.31.010;
- (2) Section 43.31.020, chapter 8, Laws of 1965 and RCW 43.31.020;
- (3) Section 43.31.030, chapter 8, Laws of 1965 and RCW 43.31.030;
- (4) Section 43.31.040, chapter 8, Laws of 1965, section 2, chapter 10, Laws of 1965, section 2, chapter 221, Laws of 1967, section 6, chapter 70, Laws of 1977 ex. sess., section 13, chapter 295, Laws of 1981 and RCW 43.31.040;
- (5) Section 43.31.050, chapter 8, Laws of 1965, section 53, chapter 75, Laws of 1977 and RCW 43.31.050;
- (6) Section 43.31.060, chapter 8, Laws of 1965 and RCW 43.31.060;
- (7) Section 43.31.070, chapter 8, Laws of 1965 and RCW 43.31.070;
- (8) Section 43.31.080, chapter 8, Laws of 1965 and RCW 43.31.080;
- (9) Section 43.31.110, chapter 8, Laws of 1965, section 109, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.110;
- (10) Section 43.31.120, chapter 8, Laws of 1965 and RCW 43.31.120;
- (11) Section 43.31.130, chapter 8, Laws of 1965, section 110, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.130;
- (12) Section 43.31.140, chapter 8, Laws of 1965 and RCW 43.31.140;
- (13) Section 43.31.150, chapter 8, Laws of 1965 and RCW 43.31.150;
- (14) Section 43.31.160, chapter 8, Laws of 1965, section 54, chapter 75, Laws of 1977 and RCW 43.31.160;
- (15) Section 43.31.170, chapter 8, Laws of 1965 and RCW 43.31.170;
- (16) Section 43.31.180, chapter 8, Laws of 1965 and RCW 43.31.180;
- (17) Section 43.31.200, chapter 8, Laws of 1965, section 42, chapter 171, Laws of 1974 ex. sess. and RCW 43.31.200;
- (18) Section 43.31.210, chapter 8, Laws of 1965 and RCW 43.31.210;
- (19) Section 43.31.220, chapter 8, Laws of 1965 and RCW 43.31.220;
- (20) Section 43.31.230, chapter 8, Laws of 1965 and RCW 43.31.230;
- (21) Section 1, chapter 221, Laws of 1967 and RCW 43.31.350;
- (22) Section 3, chapter 221, Laws of 1967 and RCW 43.31.360;
- (23) Section 4, chapter 221, Laws of 1967 and RCW 43.31.370;
- (24) Section 1, chapter 9, Laws of 1969 and RCW 43.31.400;

- (25) Section 2, chapter 9, Laws of 1969 and RCW 43.31.405;
- (26) Section 3, chapter 9, Laws of 1969 and RCW 43.31.410;
- (27) Section 4, chapter 9, Laws of 1969 and RCW 43.31.415;
- (28) Section 5, chapter 9, Laws of 1969 and RCW 43.31.420;
- (29) Section 1, chapter 148, Laws of 1965, section 2, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.790;
- (30) Section 2, chapter 148, Laws of 1965 and RCW 43.31.800;
- (31) Section 3, chapter 148, Laws of 1965, section 3, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.810;
- (32) Section 4, chapter 148, Laws of 1965, section 4, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.820;
- (33) Section 5, chapter 148, Laws of 1965, section 5, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.830;
- (34) Section 1, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.831;
- (35) Section 2, chapter 93, Laws of 1972 ex. sess., section 8, chapter 292, Laws of 1975 1st ex. sess., section 1, chapter 2, Laws of 1981 2nd ex. sess. and RCW 43.31.832;
- (36) Section 3, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.833;
- (37) Section 4, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.834;
- (38) Section 6, chapter 148, Laws of 1965, section 6, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.840;
- (39) Section 8, chapter 148, Laws of 1965, section 7, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.850;
- (40) Section 10, chapter 148, Laws of 1965 and RCW 43.31.860;
- (41) Section 1, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.870;
- (42) Section 2, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.875;
- (43) Section 3, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.880;
- (44) Section 4, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.885;
- (45) Section 5, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.890;
- (46) Section 6, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.895;
- (47) Section 7, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.900;
- (48) Section 8, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.910;
- (49) Section 1, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.915;
- (50) Section 2, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.920;
- (51) Section 3, chapter 70, Laws of 1977 ex. sess., section 9, chapter 6, Laws of 1982 and RCW 43.31.925;

- (52) Section 4, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.930;
- (53) Section 5, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.935;
- (54) Section 2, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.940;
- (55) Section 3, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.942;
- (56) Section 4, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.944;
- (57) Section 5, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.946;
- (58) Section 6, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.948;
- (59) Section 1, chapter 260, Laws of 1979 ex. sess., section 1, chapter 244, Laws of 1981 and RCW 43.31.956;
- (60) Section 2, chapter 260, Laws of 1979 ex. sess. and RCW 43.31.958;
- (61) Section 3, chapter 260, Laws of 1979 ex. sess. and RCW 43.31.960;
- (62) Section 4, chapter 260, Laws of 1979 ex. sess. and RCW 43.31-.962; and
- (63) Section 5, chapter 260, Laws of 1979 ex. sess. and RCW 43.31.964.

PART B

COUNCIL FOR POSTSECONDARY EDUCATION

NEW SECTION. Sec. 29. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1986:

- (1) Section 1, chapter 277, Laws of 1969 ex. sess., section 1, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.010;
- (2) Section 2, chapter 277, Laws of 1969 ex. sess. section 2, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.020;
- (3) Section 3, chapter 277, Laws of 1969 ex. sess., section 3, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.030;
- (4) Section 2, chapter 201, Laws of 1977 ex. sess. and RCW 28B.80.035;
- (5) Section 4, chapter 277, Laws of 1969 ex. sess., section 4, chapter 132, Laws of 1975 1st ex. sess., section 43, chapter 169, Laws of 1977 ex. sess. and RCW 28B.80.040;
- (6) Section 5, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.050;
- (7) Section 6, chapter 277, Laws of 1969 ex. sess., section 5, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.060;
- (8) Section 7, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.070;

(9) Section 9, chapter 277, Laws of 1969 ex. sess., section 6, chapter 132, Laws of 1975 1st ex. sess., section 22, chapter 151, Laws of 1979 and RCW 28B.80.080;

(10) Section 10, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.090;

(11) Section 12, chapter 277, Laws of 1969 ex. sess., section 77, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.80.110;

(12) Section 13, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.120;

(13) Section 1, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.130;

(14) Section 2, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.140;

(15) Section 3, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.150;

(16) Section 4, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.160;

(17) Section 5, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.170;

(18) Section 9, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.200;

(19) Section 12, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.210;

(20) Section 13, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.220;

(21) Section 14, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.230;

(22) Section 15, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.240;

(23) Section 27, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.250;

(24) Section 28, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.260;

(25) Section 29, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.270;

(26) Section 14, chapter 277, Laws of 1969 ex. sess., section 10, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.900; and

(27) Section 15, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.910.

### PART C STATE ARTS COMMISSION

NEW SECTION. Sec. 30. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1986:

(1) Section 43.46.010, chapter 8, Laws of 1965 and RCW 43.46.010;

(2) Section 43.46.020, chapter 8, Laws of 1965, section 3, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.020;

(3) Section 43.46.030, chapter 8, Laws of 1965, section 4, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.030;

- (4) Section 43.46.040, chapter 8, Laws of 1965 and RCW 43.46.040;
  - (5) Section 2, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.045;
  - (6) Section 43.46.050, chapter 8, Laws of 1965 and RCW 43.46.050;
  - (7) Section 1, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.055;
  - (8) Section 43.46.060, chapter 8, Laws of 1965 and RCW 43.46.060;
  - (9) Section 43.46.070, chapter 8, Laws of 1965 and RCW 43.46.070;
  - (10) Section 43.46.080, chapter 8, Laws of 1965 and RCW 43.46.080;
- and
- (11) Section 1, chapter 176, Laws of 1974 ex. sess. and RCW 43.46.090.

PART D

MUSEUM OF THE UNIVERSITY OF WASHINGTON

NEW SECTION. Sec. 31. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1986:

- (1) Section 1, chapter 30, Laws of 1899 and RCW 27.40.010;
- (2) Section 2, chapter 30, Laws of 1899 and RCW 27.40.020;
- (3) Section 3, chapter 30, Laws of 1899 and RCW 27.40.030;
- (4) Section 1, chapter 159, Laws of 1975 1st ex. sess. and RCW 27.40.034;
- (5) Section 2, chapter 159, Laws of 1975 1st ex. sess. and RCW 27.40.036; and
- (6) Section 4, chapter 30, Laws of 1899 and RCW 27.40.040.

PART E

LANDSCAPE ARCHITECTS

NEW SECTION. Sec. 32. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1986:

- (1) Section 1, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.010;
- (2) Section 2, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.020;
- (3) Section 3, chapter 158, Laws of 1969 ex. sess., section 73, chapter 158, Laws of 1979 and RCW 18.96.030;
- (4) Section 4, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.040;
- (5) Section 5, chapter 158, Laws of 1969 ex. sess., section 54, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.96.050;
- (6) Section 6, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.060;
- (7) Section 7, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.070;
- (8) Section 8, chapter 158, Laws of 1969 ex. sess., section 85, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.080;
- (9) Section 9, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.090;
- (10) Section 10, chapter 158, Laws of 1969 ex. sess., section 86, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.100;
- (11) Section 11, chapter 158, Laws of 1969 ex. sess., section 87, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.110;

(12) Section 12, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.120;

(13) Section 13, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.130;

(14) Section 14, chapter 158, Laws of 1969 ex. sess., section 88, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.140;

(15) Section 15, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.150;

(16) Section 16, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.160;

(17) Section 17, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.170;

(18) Section 18, chapter 158, Laws of 1969 ex. sess. and RCW 18.96-.180; and

(19) Section 19, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.900.

#### PART F NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

NEW SECTION. Sec. 33. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1986:

(1) Section 1, chapter 90, Laws of 1979 ex. sess. and RCW 38.40.170;

(2) Section 2, chapter 90, Laws of 1979 ex. sess. and RCW 38.40.180;  
and

(3) Section 3, chapter 90, Laws of 1979 ex. sess. and RCW 38.40.190.

#### PART G . PUBLIC DISCLOSURE COMMISSION

NEW SECTION. Sec. 34. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987:

(1) Section 1, chapter 1, Laws of 1973, section 1, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.010;

(2) Section 3, chapter 1, Laws of 1973, section 2, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.030;

(3) Section 4, chapter 1, Laws of 1973, section 3, chapter 294, Laws of 1975 1st ex. sess., section 1, chapter 336, Laws of 1977 ex. sess., section 1, chapter 147, Laws of 1982 and RCW 42.17.040;

(4) Section 5, chapter 1, Laws of 1973, section 2, chapter 147, Laws of 1982 and RCW 42.17.050;

(5) Section 6, chapter 1, Laws of 1973, section 4, chapter 294, Laws of 1975 1st ex. sess., section 3, chapter 313, Laws of 1977 ex. sess., section 3, chapter 147, Laws of 1982 and RCW 42.17.060;

(6) Section 5, chapter 294, Laws of 1975 1st ex. sess., section 4, chapter 147, Laws of 1982 and RCW 42.17.065;

(7) Section 9, chapter 112, Laws of 1975-'76 2nd ex. sess., section 5, chapter 147, Laws of 1982 and RCW 42.17.067;

(8) Section 7, chapter 1, Laws of 1973 and RCW 42.17.070;

(9) Section 8, chapter 1, Laws of 1973, section 6, chapter 294, Laws of 1975 1st ex. sess., section 6, chapter 147, Laws of 1982 and RCW 42.17.080;

(10) Section 9, chapter 1, Laws of 1973, section 7, chapter 294, Laws of 1975 1st ex. sess., section 3, chapter 112, Laws of 1975-'76 2nd ex. sess., section 2, chapter 336, Laws of 1977 ex. sess., section 7, chapter 147, Laws of 1982 and RCW 42.17.090;

(11) Section 3, chapter 336, Laws of 1977 ex. sess., section 8, chapter 147, Laws of 1982 and RCW 42.17.095;

(12) Section 10, chapter 1, Laws of 1973, section 4, chapter 112, Laws of 1975-'76 2nd ex. sess., section 9, chapter 147, Laws of 1982 and RCW 42.17.100;

(13) Section 11, chapter 1, Laws of 1973, section 5, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.110;

(14) Section 12, chapter 1, Laws of 1973, section 8, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.120;

(15) Section 6, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.125;

(16) Section 5, chapter 1, Laws of 1973, section 10, chapter 147, Laws of 1982 and RCW 42.17.150;

(17) Section 21, chapter 294, Laws of 1975 1st ex. sess., section 11, chapter 147, Laws of 1982 and RCW 42.17.155;

(18) Section 16, chapter 1, Laws of 1973, section 9, chapter 294, Laws of 1975 1st ex. sess., section 4, chapter 313, Laws of 1977 ex. sess., section 12, chapter 147, Laws of 1982 and RCW 42.17.160;

(19) Section 17, chapter 1, Laws of 1973, section 10, chapter 294, Laws of 1975 1st ex. sess., section 5, chapter 313, Laws of 1977 ex. sess., section 13, chapter 147, Laws of 1982 and RCW 42.17.170;

(20) Section 18, chapter 1, Laws of 1973, section 11, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.180;

(21) Section 19, chapter 1, Laws of 1973, section 12, chapter 294, Laws of 1975 1st ex. sess., section 6, chapter 313, Laws of 1977 ex. sess., section 1, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.190;

(22) Section 20, chapter 1, Laws of 1973 and RCW 42.17.200;

(23) Section 21, chapter 1, Laws of 1973 and RCW 42.17.210;

(24) Section 22, chapter 1, Laws of 1973 and RCW 42.17.220;

(25) Section 23, chapter 1, Laws of 1973, section 14, chapter 147, Laws of 1982 and RCW 42.17.230;

(26) Section 9, chapter 10, Laws of 1982 and RCW 42.17.240;

(27) Section 42, chapter 126, Laws of 1979 ex. sess. and RCW 42.17.241;



(28) Section 4, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.242;

(29) Section 5, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.243;

(30) Section 10, chapter 112, Laws of 1975-'76 2nd ex. sess., section 1, chapter 102, Laws of 1981 and RCW 42.17.245;

(31) Section 35, chapter 1, Laws of 1973, section 23, chapter 294, Laws of 1975 1st ex. sess., section 93, chapter 34, Laws of 1975-'76 2nd ex. sess., section 8, chapter 112, Laws of 1975-'76 2nd ex. sess., section 15, chapter 147, Laws of 1982 and RCW 42.17.350;

(32) Section 36, chapter 1, Laws of 1973 and RCW 42.17.360;

(33) Section 37, chapter 1, Laws of 1973, section 25, chapter 294, Laws of 1975 1st ex. sess., section 7, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.370;

(34) Section 38, chapter 1, Laws of 1973, section 26, chapter 294, Laws of 1975 1st ex. sess., section 196, chapter 35, Laws of 1982 and RCW 42.17.380;

(35) Section 12, chapter 112, Laws of 1975-'76 2nd ex. sess., section 16, chapter 147, Laws of 1982 and RCW 42.17.395;

(36) Section 13, chapter 112, Laws of 1975-'76 2nd ex. sess., section 17, chapter 147, Laws of 1982 and RCW 42.17.397;

(37) Section 1, chapter 60, Laws of 1982 and RCW 42.17.405;

(38) Section 42, chapter 1, Laws of 1973 and RCW 42.17.420;

(39) Section 43, chapter 1, Laws of 1973 and RCW 42.17.430; and

(40) Section 45, chapter 1, Laws of 1973 and RCW 42.17.450.

## PART H

### INTERIM COMMITTEE ON COLLECTIVE BARGAINING

NEW SECTION. Sec. 35. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987:

(1) Section 7, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.400;

(2) Section 8, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.405;

(3) Section 9, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.410;

(4) Section 10, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.415; and

(5) Section 11, chapter 215, Laws of 1969 ex. sess., section 9, chapter 131, Laws of 1973, section 18, chapter 87, Laws of 1980, section 99, chapter 3, Laws of 1983 and RCW 41.56.420.

## PART I

### FAIRS COMMISSION

NEW SECTION. Sec. 36. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987: Section 8, chapter 61, Laws of 1961, section 11, chapter 7, Laws of 1975

1st ex. sess., section 21, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.76.170.

PART J  
VEHICLE INSPECTION PROGRAM

NEW SECTION. Sec. 37. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987:

- (1) Section 46.32.010, chapter 12, Laws of 1961, section 48, chapter 32, Laws of 1967, section 156, chapter 158, Laws of 1979, section 67, chapter 136, Laws of 1979 ex. sess. and RCW 46.32.010;
  - (2) Section 46.32.020, chapter 12, Laws of 1961 and RCW 46.32.020;
  - (3) Section 46.32.030, chapter 12, Laws of 1961 and RCW 46.32.030;
  - (4) Section 46.32.040, chapter 12, Laws of 1961 and RCW 46.32.040;
  - (5) Section 46.32.050, chapter 12, Laws of 1961, section 68, chapter 136, Laws of 1979 ex. sess. and RCW 46.32.050;
  - (6) Section 46.32.060, chapter 12, Laws of 1961 and RCW 46.32.060;
- and
- (7) Section 46.32.070, chapter 12, Laws of 1961 and RCW 46.32.070.

PART K  
DITCHES ACROSS HIGHWAYS

NEW SECTION. Sec. 38. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987: Section 21, page 711, Laws of 1889 and RCW 90.28.030.

PART L  
MINIMUM SALARIES FOR STATE EMPLOYEES

NEW SECTION. Sec. 39. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987:

- (1) Section 43.03.080, chapter 8, Laws of 1965 and RCW 43.03.080;
  - (2) Section 43.03.090, chapter 8, Laws of 1965 and RCW 43.03.090;
- and
- (3) Section 43.03.100, chapter 8, Laws of 1965 and RCW 43.03.100.

PART M  
BOOM COMPANIES

NEW SECTION. Sec. 40. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987:

- (1) Section 1, page 470, Laws of 1890 and RCW 76.28.010;
- (2) Section 2, page 470, Laws of 1890, section 1, chapter 52, Laws of 1907, section 1, chapter 33, Laws of 1957 and RCW 76.28.020;
- (3) Section 3, page 471, Laws of 1890 and RCW 76.28.030;
- (4) Section 4, page 471, Laws of 1890, section 1, chapter 123, Laws of 1953, section 17, chapter 82, Laws of 1969 and RCW 76.28.040;
- (5) Section 5, page 472, Laws of 1890 and RCW 76.28.050;
- (6) Section 6, page 472, Laws of 1890 and RCW 76.28.060;

- (7) Section 7, page 472, Laws of 1890 and RCW 76.28.070;
- (8) Section 8, page 472, Laws of 1890 and RCW 76.28.080; and
- (9) Section 9, page 473, Laws of 1890 and RCW 76.28.090.

PART N  
LOG DRIVING COMPANIES

NEW SECTION. Sec. 41. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987:

- (1) Section 1, chapter 72, Laws of 1895 and RCW 76.32.010;
- (2) Section 2, chapter 72, Laws of 1895 and RCW 76.32.020;
- (3) Section 3, chapter 72, Laws of 1895, section 1, chapter 119, Laws of 1905, section 1, chapter 34, Laws of 1957 and RCW 76.32.030;
- (4) Section 4, chapter 72, Laws of 1895, section 1, chapter 31, Laws of 1897, section 1, chapter 57, Laws of 1905 and RCW 76.32.040;
- (5) Section 5, chapter 72, Laws of 1895, section 1, chapter 140, Laws of 1901, section 1, chapter 229, Laws of 1909, section 1, chapter 124, Laws of 1953, section 18, chapter 82, Laws of 1969 and RCW 76.32.050;
- (6) Section 6, chapter 72, Laws of 1895 and RCW 76.32.060;
- (7) Section 7, chapter 72, Laws of 1895 and RCW 76.32.070; and
- (8) Section 8, chapter 72, Laws of 1895 and RCW 76.32.080.

PART O  
TOLL LOGGING ROADS

NEW SECTION. Sec. 42. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987:

- (1) Section 1, chapter 82, Laws of 1905 and RCW 76.24.010;
- (2) Section 2, chapter 82, Laws of 1905 and RCW 76.24.020;
- (3) Section 3, chapter 82, Laws of 1905, section 16, chapter 82, Laws of 1969 and RCW 76.24.030; and
- (4) Section 4, chapter 82, Laws of 1905 and RCW 76.24.040.

PART P  
COMMISSION ON VOCATIONAL  
EDUCATION

NEW SECTION. Sec. 43. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987:

- (1) Section 1, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.010;
- (2) Section 2, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.020;
- (3) Section 3, chapter 285, Laws of 1971 ex. sess. and RCW 28C.04.025;
- (4) Section 4, chapter 285, Laws of 1971 ex. sess., section 13, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.026;

- (5) Section 3, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.030;
- (6) Section 4, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.040;
- (7) Section 5, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.050;
- (8) Section 6, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.060;
- (9) Section 8, chapter 174, Laws of 1975 1st ex. sess., section 79, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28C.04.070;
- (10) Section 10, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.080;
- (11) Section 28B.50.230, chapter 223, Laws of 1969 ex. sess., section 14, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.090;
- (12) Section 1, chapter 98, Laws of 1969 ex. sess. and RCW 28C.04.140;
- (13) Section 7, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.150;
- (14) Section 11, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.160;
- (15) Section 28A.09.070, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.200;
- (16) Section 28A.09.080, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.210;
- (17) Section 28A.09.090, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.220;
- (18) Section 28B.50.240, chapter 223, Laws of 1969 ex. sess., section 24, chapter 261, Laws of 1969 ex. sess., section 1, chapter 285, Laws of 1971 ex. sess., section 41, chapter 3, Laws of 1983 and RCW 28C.04.230;
- (19) Section 1, chapter 17, Laws of 1972 ex. sess., section 1, chapter 63, Laws of 1973 and RCW 28C.04.240;
- (20) Section 52, chapter 283, Laws of 1969 ex. sess., section 76, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28C.04.300;
- (21) Section 53, chapter 283, Laws of 1969 ex. sess., section 16, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.310;
- (22) Section 9, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.500;
- (23) Section 12, chapter 174, Laws of 1975 1st ex. sess., section 1, chapter 86, Laws of 1975-'76 2nd ex. sess., section 23, chapter 151, Laws of 1979 and RCW 28C.04.510;
- (24) Section 1, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.010;
- (25) Section 2, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.020;

(26) Section 3, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.030;

(27) Section 4, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.040;

(28) Section 5, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.050;

(29) Section 6, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.060;

(30) Section 8, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.900;

(31) Section 1, chapter 225, Laws of 1979 ex. sess., section 1, chapter 48, Laws of 1982 1st ex. sess. and RCW 28C.51.010;

(32) Section 2, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.020;

(33) Section 3, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.030;

(34) Section 4, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.040;

(35) Section 5, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51-.050; and

(36) Section 6, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.060.

#### PART Q WASHINGTON LIBRARY NETWORK

NEW SECTION. Sec. 44. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1986:

(1) Section 2, chapter 31, Laws of 1975-'76 2nd ex. sess. and RCW 27.26.010; and

(2) Section 1, chapter 31, Laws of 1975-'76 2nd ex. sess. and RCW 27.26.020.

#### PART R EDUCATIONAL SERVICES REGISTRATION ACT

NEW SECTION. Sec. 45. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987:

(1) Section 1, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.010;

(2) Section 2, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.020;

(3) Section 3, chapter 188, Laws of 1979 ex. sess., section 1, chapter 283, Laws of 1981 and RCW 28B.05.030;

(4) Section 4, chapter 188, Laws of 1979 ex. sess., section 1, chapter 82, Laws of 1980, section 2, chapter 283, Laws of 1981 and RCW 28B.05.040;

- (5) Section 5, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.050;
- (6) Section 6, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.060;
- (7) Section 7, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.070;
- (8) Section 8, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.080;
- (9) Section 9, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.090;
- (10) Section 10, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.100;
- (11) Section 11, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.110;
- (12) Section 12, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.120;
- (13) Section 13, chapter 188, Laws of 1979 ex. sess., section 3, chapter 283, Laws of 1981 and RCW 28B.05.130;
- (14) Section 14, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.140;
- (15) Section 15, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.150;
- (16) Section 16, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.160;
- (17) Section 17, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.170;
- (18) Section 18, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.180;
- (19) Section 19, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.190;
- (20) Section 20, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.200;
- (21) Section 21, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.210;
- (22) Section 22, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.220;
- (23) Section 23, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.230;
- (24) Section 24, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.240;
- (25) Section 27, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05-900; and
- (26) Section 28, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.950.

PART S  
DRUGLESS HEALING

NEW SECTION. Sec. 46. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1988:

- (1) Section 13, chapter 36, Laws of 1919 and RCW 18.36.010;
- (2) Section 12, chapter 36, Laws of 1919 and RCW 18.36.020;
- (3) Section 8, chapter 36, Laws of 1919 and RCW 18.36.030;
- (4) Section 3, chapter 36, Laws of 1919, section 39, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.040;
- (5) Section 11, chapter 36, Laws of 1919, section 40, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.050;
- (6) Section 4, chapter 36, Laws of 1919 and RCW 18.36.060;
- (7) Section 1, chapter 83, Laws of 1953, section 7, chapter 266, Laws of 1971 ex. sess., section 41, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.115;
- (8) Section 14, chapter 36, Laws of 1919 and RCW 18.36.120;
- (9) Section 7, chapter 36, Laws of 1919 and RCW 18.36.130;
- (10) Section 10, chapter 36, Laws of 1919 and RCW 18.36.140;
- (11) Section 9, chapter 36, Laws of 1919 and RCW 18.36.150;
- (12) Section 17, chapter 36, Laws of 1919 and RCW 18.36.165;
- (13) Section 1, chapter 10, Laws of 1925 and RCW 18.36.170;
- (14) Section 2, chapter 10, Laws of 1925 and RCW 18.36.200;
- (15) Section 3, chapter 10, Laws of 1925 and RCW 18.36.210;
- (16) Section 4, chapter 10, Laws of 1925 and RCW 18.36.220;
- (17) Section 5, chapter 10, Laws of 1925 and RCW 18.36.230;
- (18) Section 6, chapter 10, Laws of 1925 and RCW 18.36.240; and
- (19) Section 7, chapter 10, Laws of 1925 and RCW 18.36.245.

PART T  
CHIROPRACTIC DISCIPLINARY BOARD

NEW SECTION. Sec. 47. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1988:

- (1) Section 1, chapter 171, Laws of 1967 and RCW 18.26.010;
- (2) Section 2, chapter 171, Laws of 1967 and RCW 18.26.020;
- (3) Section 3, chapter 171, Laws of 1967, section 12, chapter 97, Laws of 1974 ex. sess., section 1, chapter 39, Laws of 1975 1st ex. sess., section 17, chapter 111, Laws of 1979 ex. sess. and RCW 18.26.030;
- (4) Section 15, chapter 97, Laws of 1974 ex. sess., section 19, chapter 158, Laws of 1979 and RCW 18.26.035;
- (5) Section 9, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.037;
- (6) Section 1, chapter 46, Laws of 1980 and RCW 18.26.040;
- (7) Section 5, chapter 171, Laws of 1967, section 21, chapter 158, Laws of 1979 and RCW 18.26.050;

- (8) Section 6, chapter 171, Laws of 1967 and RCW 18.26.060;
- (9) Section 2, chapter 46, Laws of 1980 and RCW 18.26.070;
- (10) Section 8, chapter 171, Laws of 1967 and RCW 18.26.080;
- (11) Section 9, chapter 171, Laws of 1967 and RCW 18.26.090;
- (12) Section 10, chapter 171, Laws of 1967 and RCW 18.26.100;
- (13) Section 11, chapter 171, Laws of 1967, section 2, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.110;
- (14) Section 12, chapter 171, Laws of 1967, section 3, chapter 39, Laws of 1975 1st ex. sess., section 19, chapter 67, Laws of 1981 and RCW 18.26.120;
- (15) Section 13, chapter 171, Laws of 1967, section 4, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.130;
- (16) Section 14, chapter 171, Laws of 1967 and RCW 18.26.140;
- (17) Section 15, chapter 171, Laws of 1967 and RCW 18.26.150;
- (18) Section 16, chapter 171, Laws of 1967, section 5, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.160;
- (19) Section 17, chapter 171, Laws of 1967, section 6, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.170;
- (20) Section 18, chapter 171, Laws of 1967, section 7, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.180;
- (21) Section 19, chapter 171, Laws of 1967, section 23, chapter 158, Laws of 1979 and RCW 18.26.190;
- (22) Section 20, chapter 171, Laws of 1967 and RCW 18.26.200;
- (23) Section 21, chapter 171, Laws of 1967, section 24, chapter 158, Laws of 1979, section 19, chapter 111, Laws of 1979 ex. sess. and RCW 18.26.210;
- (24) Section 22, chapter 171, Laws of 1967, section 25, chapter 158, Laws of 1979 and RCW 18.26.220;
- (25) Section 23, chapter 171, Laws of 1967, section 26, chapter 158, Laws of 1979 and RCW 18.26.230;
- (26) Section 24, chapter 171, Laws of 1967, section 27, chapter 158, Laws of 1979 and RCW 18.26.240;
- (27) Section 25, chapter 171, Laws of 1967 and RCW 18.26.250;
- (28) Section 27, chapter 171, Laws of 1967, section 8, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.270;
- (29) Section 28, chapter 171, Laws of 1967 and RCW 18.26.280;
- (30) Section 29, chapter 171, Laws of 1967, section 28, chapter 158, Laws of 1979 and RCW 18.26.290;
- (31) Section 30, chapter 171, Laws of 1967, section 29, chapter 158, Laws of 1979 and RCW 18.26.300;
- (32) Section 32, chapter 171, Laws of 1967 and RCW 18.26.310; and
- (33) Section 31, chapter 171, Laws of 1967 and RCW 18.26.900.



PART U  
MIDWIFERY ADVISORY COMMITTEE

NEW SECTION. Sec. 48. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1988:

- (1) Section 3, chapter 53, Laws of 1981 and RCW 18.50.140; and
- (2) Section 4, chapter 53, Laws of 1981 and RCW 18.50.150.

PART V  
NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS

NEW SECTION. Sec. 49. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1988:

- (1) Section 1, page 473, Laws of 1890, section 1, chapter 137, Laws of 1907, section 1, chapter 6, Laws of 1937 and RCW 42.28.010;
- (2) Section 1, page 52, Laws of 1862, section 1, page 501, Laws of 1863, section 1, page 375, Laws of 1869, section 3, page 467, Laws of 1873, section 2615, Code of 1881, section 2, page 473, Laws of 1890 and RCW 42.28.020;
- (3) Section 3, page 473, Laws of 1890, section 1, chapter 85, Laws of 1975 1st ex. sess., section 1, chapter 314, Laws of 1981 and RCW 42.28.030;
- (4) Section 5, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.035;
- (5) Section 4, page 474, Laws of 1890 and RCW 42.28.040;
- (6) Section 1, chapter 32, Laws of 1913 and RCW 42.28.050;
- (7) Section 5, chapter 474, Laws of 1890, section 2, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.060;
- (8) Section 6, chapter 474, Laws of 1890, section 3, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.070;
- (9) Section 1, chapter 56, Laws of 1907, section 7, chapter 51, Laws of 1951, section 4, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.090;
- (10) Section 10, page 255, Laws of 1877, section 2623, Code of 1881, section 9, page 475, Laws of 1890 and RCW 42.28.100;
- (11) Section 10, page 476, Laws of 1890, section 1, chapter 97, Laws of 1943 and RCW 42.28.110;
- (12) Section 1, page 90, Laws of 1890, section 1, page 91, Laws of 1890 and RCW 42.28.120; and
- (13) Section 2, chapter 90, Laws of 1890 and RCW 42.28.130.

PART W  
NURSING HOME ADVISORY COUNCIL

NEW SECTION. Sec. 50. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1988:

- (1) Section 11, chapter 117, Laws of 1951, section 1, chapter 85, Laws of 1971 ex. sess., section 65, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.100; and

(2) Section 12, chapter 117, Laws of 1951, section 66, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.110.

PART X  
EMERGENCY MEDICAL SERVICES COMMITTEE

NEW SECTION. Sec. 51. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1988:

(1) Section 4, chapter 208, Laws of 1973 1st ex. sess., section 43, chapter 34, Laws of 1975-'76 2nd ex. sess., section 2, chapter 261, Laws of 1979 ex. sess., section 13, chapter 338, Laws of 1981 and RCW 18.73.040; and

(2) Section 5, chapter 208, Laws of 1973 1st ex. sess., section 3, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.050.

PART Y  
NURSES

NEW SECTION. Sec. 52. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1988:

(1) Section 1, chapter 114, Laws of 1979 and RCW 18.52A.010;

(2) Section 2, chapter 114, Laws of 1979 and RCW 18.52A.020;

(3) Section 3, chapter 114, Laws of 1979 and RCW 18.52A.030;

(4) Section 4, chapter 114, Laws of 1979 and RCW 18.52A.040;

(5) Section 5, chapter 114, Laws of 1979 and RCW 18.52A.050;

(6) Section 6, chapter 114, Laws of 1979 and RCW 18.52A.060;

(7) Section 1, chapter 222, Laws of 1949, section 1, chapter 15, Laws of 1963, section 1, chapter 79, Laws of 1967 and RCW 18.78.010;

(8) Section 2, chapter 222, Laws of 1949, section 2, chapter 79, Laws of 1967 and RCW 18.78.020;

(9) Section 3, chapter 222, Laws of 1949 and RCW 18.78.030;

(10) Section 4, chapter 222, Laws of 1949, section 4, chapter 188, Laws of 1967, section 45, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.78.040;

(11) Section 5, chapter 222, Laws of 1949, section 3, chapter 79, Laws of 1967, section 64, chapter 158, Laws of 1979 and RCW 18.78.050;

(12) Section 6, chapter 222, Laws of 1949, section 2, chapter 15, Laws of 1963, section 26, chapter 292, Laws of 1971 ex. sess. and RCW 18.78.060;

(13) Section 7, chapter 222, Laws of 1949 and RCW 18.78.070;

(14) Section 9, chapter 222, Laws of 1949, section 3, chapter 15, Laws of 1963, section 68, chapter 30, Laws of 1975 1st ex. sess., section 65, chapter 158, Laws of 1979 and RCW 18.78.080;

(15) Section 10, chapter 222, Laws of 1949, section 4, chapter 15, Laws of 1963, section 4, chapter 79, Laws of 1967, section 14, chapter 266, Laws of 1971 ex. sess., section 69, chapter 30, Laws of 1975 1st ex. sess., section 66, chapter 158, Laws of 1979 and RCW 18.78.090;

- (16) Section 11, chapter 222, Laws of 1949, section 1, chapter 68, Laws of 1971 and RCW 18.78.100;
- (17) Section 12, chapter 222, Laws of 1949, section 46, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.78.110;
- (18) Section 13, chapter 222, Laws of 1949, section 47, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.78.120;
- (19) Section 14, chapter 222, Laws of 1949 and RCW 18.78.130;
- (20) Section 15, chapter 222, Laws of 1949, section 60, chapter 81, Laws of 1971 and RCW 18.78.140;
- (21) Section 16, chapter 222, Laws of 1949 and RCW 18.78.150;
- (22) Section 17, chapter 222, Laws of 1949 and RCW 18.78.160;
- (23) Section 18, chapter 222, Laws of 1949, section 5, chapter 79, Laws of 1967 and RCW 18.78.170;
- (24) Section 7, chapter 79, Laws of 1967 and RCW 18.78.175;
- (25) Section 6, chapter 79, Laws of 1967, section 2, chapter 68, Laws of 1971 and RCW 18.78.182;
- (26) Section 19, chapter 222, Laws of 1949 and RCW 18.78.900;
- (27) Section 1, chapter 202, Laws of 1949, section 1, chapter 133, Laws of 1973 and RCW 18.88.010;
- (28) Section 2, chapter 202, Laws of 1949, section 2, chapter 133, Laws of 1973 and RCW 18.88.020;
- (29) Section 4, chapter 202, Laws of 1949, section 1, chapter 288, Laws of 1961, section 3, chapter 133, Laws of 1973, section 69, chapter 158, Laws of 1979 and RCW 18.88.030;
- (30) Section 5, chapter 202, Laws of 1949, section 4, chapter 133, Laws of 1973 and RCW 18.88.050;
- (31) Section 6, chapter 202, Laws of 1949, section 3, chapter 288, Laws of 1961, section 5, chapter 133, Laws of 1973 and RCW 18.88.060;
- (32) Section 7, chapter 202, Laws of 1949, section 6, chapter 133, Laws of 1973 and RCW 18.88.070;
- (33) Section 8, chapter 202, Laws of 1949, section 4, chapter 288, Laws of 1961, section 7, chapter 133, Laws of 1973, section 50, chapter 34, Laws of 1975-'76 2nd ex. sess., section 12, chapter 75, Laws of 1977 and RCW 18.88.080;
- (34) Section 9, chapter 202, Laws of 1949, section 5, chapter 288, Laws of 1961, section 8, chapter 133, Laws of 1973, section 51, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.88.090;
- (35) Section 10, chapter 202, Laws of 1949, section 6, chapter 288, Laws of 1961, section 9, chapter 133, Laws of 1973 and RCW 18.88.100;
- (36) Section 11, chapter 202, Laws of 1949, section 10, chapter 133, Laws of 1973 and RCW 18.88.110;
- (37) Section 12, chapter 202, Laws of 1949, section 11, chapter 133, Laws of 1973 and RCW 18.88.120;

(38) Section 13, chapter 202, Laws of 1949, section 7, chapter 288, Laws of 1961, section 12, chapter 133, Laws of 1973 and RCW 18.88.130;

(39) Section 14, chapter 202, Laws of 1949, section 8, chapter 288, Laws of 1961, section 13, chapter 133, Laws of 1973 and RCW 18.88.140;

(40) Section 15, chapter 202, Laws of 1949, section 9, chapter 288, Laws of 1961, section 14, chapter 133, Laws of 1973 and RCW 18.88.150;

(41) Section 16, chapter 202, Laws of 1949, section 10, chapter 288, Laws of 1961, section 15, chapter 133, Laws of 1973, section 77, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.88.160;

(42) Section 17, chapter 202, Laws of 1949, section 16, chapter 133, Laws of 1973 and RCW 18.88.170;

(43) Section 18, chapter 202, Laws of 1949, section 17, chapter 133, Laws of 1973 and RCW 18.88.180;

(44) Section 16, chapter 288, Laws of 1961 and RCW 18.88.185;

(45) Section 19, chapter 202, Laws of 1949, section 11, chapter 288, Laws of 1961, section 18, chapter 266, Laws of 1971 ex. sess., section 18, chapter 133, Laws of 1973, section 78, chapter 30, Laws of 1975 1st ex. sess., section 1, chapter 106, Laws of 1979 ex. sess. and RCW 18.88.190;

(46) Section 20, chapter 202, Laws of 1949, section 12, chapter 288, Laws of 1961, section 19, chapter 133, Laws of 1973, section 79, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.88.200;

(47) Section 21, chapter 202, Laws of 1949 and RCW 18.88.210;

(48) Section 22, chapter 202, Laws of 1949, section 20, chapter 133, Laws of 1973 and RCW 18.88.220;

(49) Section 23, chapter 202, Laws of 1949, section 21, chapter 133, Laws of 1973 and RCW 18.88.230;

(50) Section 24, chapter 202, Laws of 1949, section 22, chapter 133, Laws of 1973 and RCW 18.88.240;

(51) Section 25, chapter 202, Laws of 1949, section 23, chapter 133, Laws of 1973 and RCW 18.88.250;

(52) Section 26, chapter 202, Laws of 1949, section 24, chapter 133, Laws of 1973 and RCW 18.88.260;

(53) Section 15, chapter 288, Laws of 1961, section 25, chapter 133, Laws of 1973 and RCW 18.88.265;

(54) Section 27, chapter 202, Laws of 1949, section 26, chapter 133, Laws of 1973 and RCW 18.88.270;

(55) Section 28, chapter 202, Laws of 1949, section 13, chapter 288, Laws of 1961, section 27, chapter 133, Laws of 1973 and RCW 18.88.280;

(56) Section 14, chapter 288, Laws of 1961, section 9, chapter 79, Laws of 1967, section 28, chapter 133, Laws of 1973 and RCW 18.88.285;

(57) Section 1, chapter 62, Laws of 1955 and RCW 18.88.290;

(58) Section 29, chapter 133, Laws of 1973 and RCW 18.88.300; and

(59) Section 29, chapter 202, Laws of 1949 and RCW 18.88.900.

PART Z  
JUDICIAL COUNCIL

NEW SECTION. Sec. 53. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1988:

(1) Section 1, chapter 45, Laws of 1925 ex. sess., section 1, chapter 40, Laws of 1955, section 1, chapter 271, Laws of 1961, section 1, chapter 124, Laws of 1967, section 1, chapter 40, Laws of 1971, section 1, chapter 18, Laws of 1973, section 1, chapter 112, Laws of 1977 ex. sess. and RCW 2.52.010;

(2) Section 2, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.020;

(3) Section 3, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.030;

(4) Section 4, chapter 45, Laws of 1925 ex. sess., section 2, chapter 112, Laws of 1977 ex. sess. and RCW 2.52.040;

(5) Section 1, chapter 260, Laws of 1981 and RCW 2.52.050;

(6) Section 6, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.060;

(7) Section 7, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.070;  
and

(8) Section 8, chapter 45, Laws of 1925 ex. sess., section 5, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 2.52.080.

NEW SECTION. Sec. 54. The training standards and education boards and their powers and duties shall be terminated on June 30, 1986, as provided in section 55 of this act.

NEW SECTION. Sec. 55. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987:

(1) Section 9, chapter 94, Laws of 1974 ex. sess., section 4, chapter 132, Laws of 1981 and RCW 43.101.090;

(2) Section 10, chapter 94, Laws of 1974 ex. sess., section 5, chapter 132, Laws of 1981 and RCW 43.101.100;

(3) Section 11, chapter 94, Laws of 1974 ex. sess., section 6, chapter 132, Laws of 1981 and RCW 43.101.110;

(4) Section 12, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.120;

(5) Section 13, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.130;

(6) Section 14, chapter 94, Laws of 1974 ex. sess., section 127, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.101.140;

(7) Section 15, chapter 94, Laws of 1974 ex. sess., section 2, chapter 82, Laws of 1975 1st ex. sess. and RCW 43.101.150; and

(8) Section 16, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.160.

NEW SECTION. Sec. 56. Sections 1 through 55 of this act are added to chapter 43.131 RCW.

Passed the House April 23, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 198

[Engrossed House Bill No. 520]

LOW-INCOME RATES—SEWER AND WATER DISTRICTS

AN ACT Relating to special district rates and charges; adding a new section to chapter 56.08 RCW; and adding a new section to chapter 57.08 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 56.08 RCW a new section to read as follows:

In addition to the authority of a sewer district to establish classifications for rates and charges and impose such rates and charges, as provided in RCW 56.08.010 and 56.16.090, a sewer district may adjust, or delay such rates and charges for low-income persons or classes of low-income persons, including but not limited to, poor handicapped persons and poor senior citizens. Other financial assistance available to poor persons shall be considered in determining charges and rates under this section. Notification of special rates or charges established under this section shall be provided to all persons served by the district annually and upon initiating service. Information on cost shifts caused by establishment of the special rates or charges shall be included in the notification. Any reduction in charges and rates granted to poor persons in one part of a service area shall be uniformly extended to poor persons in all other parts of the service area.

NEW SECTION. Sec. 2. There is added to chapter 57.08 RCW a new section to read as follows:

In addition to the authority of a water district to establish classifications for rates and charges and impose such rates and charges, as provided in RCW 57.08.010 and 57.20.020, a water district may adjust, or delay such rates and charges for poor persons or classes of poor persons, including but not limited to, poor handicapped persons and poor senior citizens. Other financial assistance available to poor persons shall be considered in determining charges and rates under this section. Notification of special rates or charges established under this section shall be provided to all persons served by the district annually and upon initiating service. Information on cost shifts caused by establishment of the special rates or charges shall be included in the notification. Any reduction in charges and rates granted to

poor persons in one part of a service area shall be uniformly extended to poor persons in all other parts of the service area.

**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.

Passed the House April 23, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

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## CHAPTER 199

[Substitute House Bill No. 522]

### DEPORTATION OF ALIENS UPON CONVICTION—ADVISEMENT

AN ACT Relating to criminal procedure; adding a new section to chapter 10.40 RCW; creating a new section; and providing an effective date.

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

**NEW SECTION.** Sec. 1. There is added to chapter 10.40 RCW a new section to read as follows:

(1) The legislature finds and declares that in many instances involving an individual who is not a citizen of the United States charged with an offense punishable as a crime under state law, a plea of guilty is entered without the defendant knowing that a conviction of such offense is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. Therefore, it is the intent of the legislature in enacting this section to promote fairness to such accused individuals by requiring in such cases that acceptance of a guilty plea be preceded by an appropriate warning of the special consequences for such a defendant which may result from the plea. It is further the intent of the legislature that at the time of the plea no defendant be required to disclose his or her legal status to the court.

(2) Prior to acceptance of a plea of guilty to any offense punishable as a crime under state law, except offenses designated as infractions under state law, the court shall determine that the defendant has been advised of the following potential consequences of conviction for a defendant who is not a citizen of the United States: Deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. A defendant signing a guilty plea statement containing the advisement required by this subsection shall be presumed to have received the required advisement. If, after September 1, 1983, the defendant has not been advised as required by this section and the defendant shows that conviction

of the offense to which the defendant pleaded guilty may have the consequences for the defendant of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States, the court, on defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea of guilty and enter a plea of not guilty. Absent a written acknowledgement by the defendant of the advisement required by this subsection, the defendant shall be presumed not to have received the required advisement.

(3) With respect to pleas accepted prior to September 1, 1983, it is not the intent of the legislature that a defendant's failure to receive the advisement required by subsection (2) of this section should require the vacation of judgment and withdrawal of the plea or constitute grounds for finding a prior conviction invalid.

NEW SECTION. Sec. 2. The office of the administrator for the courts shall notify all courts of the requirements contained in section 1 of this act. The judicial council shall recommend to the supreme court appropriate court rules to ensure compliance with the requirements of section 1 of this act. Until court rules are promulgated, the office of the administrator for the courts shall develop and distribute forms necessary for the courts to comply with section 1 of this act.

NEW SECTION. Sec. 3. Section 1 of this act shall take effect on September 1, 1983.

Passed the House March 30, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

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## CHAPTER 200

[Engrossed Substitute House Bill No. 546]

### WHEELCHAIR CONVEYANCES—REGULATIONS

AN ACT Relating to vehicles for handicapped persons; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.61 RCW; adding a new section to chapter 82.44 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is added to chapter 46.04 RCW a new section to read as follows:

"Wheelchair conveyance" means any vehicle specially manufactured or designed for the transportation of a physically or medically impaired wheelchair-bound person. The vehicle may be a separate vehicle used in lieu of a wheelchair or a separate vehicle used for transporting the impaired person while occupying a wheelchair. The vehicle shall be equipped with a



propulsion device capable of propelling the vehicle within a speed range established by the commission on equipment. The commission may approve and define as a wheelchair conveyance, a vehicle that fails to meet these specific criteria but is essentially similar in performance and application to vehicles that do meet these specific criteria.

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

Wheelchair conveyances that are incapable of complying with RCW 46.37.340 shall be licensed in the manner provided for mopeds in RCW 46.16.630.

NEW SECTION. Sec. 3. There is added to chapter 46.20 RCW a new section to read as follows:

Each operator of a wheelchair conveyance shall undergo a special examination conducted for the purpose of determining whether that person can properly and safely operate the conveyance on public roadways within a specified area. An operator's license issued after the special examination may specify the route, area, time, or other restrictions that are necessary to ensure the safety of the operator as well as the general motoring public. The department shall adopt rules for periodic review of the performance of operators of wheelchair conveyances. Operation of a wheelchair conveyance in violation of these rules is a traffic infraction.

NEW SECTION. Sec. 4. There is added to chapter 46.37 RCW a new section to read as follows:

The commission on equipment shall adopt rules for wheelchair conveyance safety standards. Operation of a wheelchair conveyance that is in violation of these standards is a traffic infraction.

NEW SECTION. Sec. 5. There is added to chapter 46.61 RCW a new section to read as follows:

(1) No person may operate a wheelchair conveyance on any public roadway with a posted speed limit in excess of thirty-five miles per hour.

(2) No person other than a wheelchair-bound person may operate a wheelchair conveyance on a public roadway.

(3) Every wheelchair-bound person operating a wheelchair conveyance upon a roadway is granted all the rights and is subject to all the duties applicable to the driver of a vehicle by this chapter, except those provisions that by their nature can have no application.

(4) A violation of this section is a traffic infraction.

NEW SECTION. Sec. 6. There is added to chapter 82.44 RCW a new section to read as follows:

For purposes of this chapter, fair market value shall exclude value attributable to modifications of a motor vehicle and equipment, other than standard or optional equipment provided by the manufacturer of the motor

vehicle, that are designed to facilitate the use or operation of the motor vehicle by a handicapped person.

**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 House March 24, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 201

[Engrossed House Bill No. 643]

### CREDITOR CLAIMS AGAINST AN ESTATE—STATUTE OF LIMITATIONS

AN ACT Relating to service and filing liability and casualty insurance claims; amending section 3, chapter 106, Laws of 1967 ex. sess. and RCW 11.40.011; and creating a new section.

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

Sec. 1. Section 3, chapter 106, Laws of 1967 ex. sess. and RCW 11.40.011 are each amended to read as follows:

The four-month time limitation for serving and filing of claims shall not accrue to the benefit of any liability or casualty insurer as to claims against the deceased and/or the marital community of which the deceased was a member and such claims, subject to applicable statutes of limitation, may at any time (~~within eighteen months after the date of the first publication of notice to creditors~~) be:

(1) Served on the personal representative, or the attorney for the estate; or

(2) If the personal representative shall have been discharged, then the claimant as a creditor may cause a new personal representative to be appointed and the estate to be reopened in which case service may be had upon the new personal representative or his attorney of record.

Claims may be served and filed as herein provided, notwithstanding the conclusion of any probate proceedings: PROVIDED, That the amount of recovery under such claims shall not exceed the amount of applicable insurance coverages and proceeds: AND PROVIDED FURTHER, That such claims so served and filed shall not constitute a cloud or lien upon the title to the assets of the estate under probate nor delay or prevent the conclusion

of probate proceedings or the transfer or distribution of assets of the estate subject to such probate. Nothing in this section serves to extend the applicable statute of limitations regardless of the appointment or failure to have appointed a personal representative for an estate.

**NEW SECTION.** Sec. 2. The provisions of this 1983 amendatory act apply to causes of actions arising on or after the effective date of this act.

Passed the House April 22, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 202

[Engrossed Substitute House Bill No. 667]

### HEALTH CARE SERVICE CONTRACTORS AND AGENTS—HEALTH MAINTENANCE ORGANIZATIONS—REGULATION

AN ACT Relating to insurance; amending section 20, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.21.200; amending section 7, chapter 115, Laws of 1969 and RCW 48.44.011; amending section 6, chapter 115, Laws of 1969 and RCW 48.44.015; amending section 5, chapter 115, Laws of 1969 and RCW 48.44.095; amending section 11, chapter 115, Laws of 1969 and RCW 48.44.166; amending section 3, chapter 139, Laws of 1974 ex. sess. and RCW 48.44.212; amending section 9, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.080; amending section 12, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.110; adding a new section to chapter 48.17 RCW; adding a new section to chapter 48.44 RCW; adding new sections to chapter 48.46 RCW; repealing section 8, chapter 115, Laws of 1969 and RCW 48.44.045; repealing section 9, chapter 115, Laws of 1969, section 3, chapter 65, Laws of 1973 1st ex. sess. and RCW 48.44.162; and prescribing penalties.

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

Sec. 1. Section 7, chapter 115, Laws of 1969 and RCW 48.44.011 are each amended to read as follows:

(1) Agent, as used in this chapter, means any person appointed or authorized by a health care service contractor to solicit applications for health care service contracts on its behalf.

(2) No person shall act as or hold himself out to be an agent of a health care service contractor unless licensed as a disability insurance agent by this state and appointed by the health care service contractor on whose behalf solicitations are to be made.

(3) Applications, appointments, and qualifications for licenses, the renewal thereof, the fees and issuance of a license, and the renewal thereof shall be in accordance with the provisions of chapter 48.17 RCW that are applicable to a disability insurance agent.

(4) A person holding a valid license in this state as a health care service contractor agent on the effective date of this 1983 act is not required to requalify by an examination for the renewal of the license.

(5) The commissioner may revoke, suspend, or refuse to issue or renew any agent's license, or levy a fine upon the licensee, in accordance with those provisions of chapter 48.17 RCW that are applicable to a disability insurance agent.

Sec. 2. Section 6, chapter 115, Laws of 1969 and RCW 48.44.015 are each amended to read as follows:

(1) No person shall in this state, by mail or otherwise, act as or hold himself out to be a health care service contractor, as defined in RCW 48.44.010 without being duly registered therefor with the commissioner.

(2) The issuance, sale or offer for sale in this state of securities of its own issue by any health care service contractor domiciled in this state other than the memberships and bonds of a nonprofit corporation shall be subject to the provisions of chapter 48.06 RCW relating to obtaining solicitation permits the same as if health care service contractors were domestic insurers.

~~(3) ((On or after July 1, 1969, no person shall in this state act as or hold himself out to be an agent of a health care service contractor, as defined in RCW 48.44.011, unless then licensed therefor by this state: PROVIDED, That this subsection shall not apply to insurance agents or brokers licensed under chapter 48.17 RCW with authority to sell disability insurance.))~~ Any person violating any provision of subsection (1) or (2) of this section shall be liable to a fine of not to exceed ~~((five hundred))~~ one thousand dollars and imprisonment for not to exceed six months for each instance of such violation.

Sec. 3. Section 5, chapter 115, Laws of 1969 and RCW 48.44.095 are each amended to read as follows:

(1) Every health care service contractor shall annually, within one hundred twenty days of the closing date of its fiscal year, file with the commissioner a statement verified by at least two of the principal officers of the health care service contractor showing its financial condition as of the closing date of its fiscal year. The statement shall be in such form as is furnished or prescribed by the commissioner. ~~((A health care service contractor failing to make and file its annual statement in the form and within the time herein specified shall forfeit fifty dollars for each day during which such failure continues after written notification by the commissioner of such failure, and thirty days after the notice the commissioner may terminate the health care service contractor's authority to do new business while such default continues.))~~ The commissioner may for good reason allow a reasonable extension of the time within which such annual statement shall be filed.

(2) The commissioner may suspend or revoke the certificate of registration of any health care service contractor failing to file its annual statement when due or during any extension of time therefor which the commissioner, for good cause, may grant.

Sec. 4. Section 11, chapter 115, Laws of 1969 and RCW 48.44.166 are each amended to read as follows:

After hearing or upon stipulation by the registrant and in addition to or in lieu of the suspension, revocation or refusal to renew any registration of a health care service contractor (~~((or any licensed agent thereof))~~) the commissioner may levy a fine against the party involved for each offense in an amount not less than fifty dollars and not more than ~~((one))~~ ten thousand dollars. The order levying such fine shall specify the period within which the fine shall be fully paid and which period shall not be less than fifteen nor more than thirty days from the date of such order. Upon failure to pay any such fine when due the commissioner shall revoke the registration (~~((or license))~~) of the ~~((part involved))~~ registrant, if not already revoked, and the fine shall be recovered in a civil action brought in behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the state treasurer for the account of the general fund.

Sec. 5. Section 3, chapter 139, Laws of 1974 ex. sess. and RCW 48.44-.212 are each amended to read as follows:

(1) Any health care service plan contract under this chapter delivered or issued for delivery in this state more than one hundred twenty days after February 16, 1974, which provides coverage for dependent children of the insured or covered group member, shall provide coverage for newborn infants of the insured or covered group member from and after the moment of birth. Coverage provided in accord with this section shall include, but not be limited to, coverage for congenital anomalies of such infant children from the moment of birth.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of birth of a newly born child and payment of the required premium must be furnished to the contractor. The notification period shall be no less than ninety days from the date of birth. This subsection applies to policies issued or renewed on or after January 1, 1984.

NEW SECTION. Sec. 6. There is added to chapter 48.44 RCW a new section to read as follows:

(1) No person having any authority in the investment or disposition of the funds of a domestic health care service contractor and no officer or director of a health care service contractor shall accept, except as agent for the health care service contractor, or be the beneficiary of any fee, brokerage, gift, commission, or other emolument because of any sale of health care service agreements or any investment, loan, deposit, purchase, sale, payment, or exchange made by or for the health care service contractor, or be pecuniarily interested therein in any capacity; except, that such a person may procure a loan from the health care service contractor directly upon

approval by two-thirds of its directors and upon the pledge of securities eligible for the investment of the health care service contractor's funds under this title.

(2) The commissioner may, by regulations, from time to time, define and permit additional exceptions to the prohibition contained in subsection (1) of this section solely to enable payment of reasonable compensation to a director who is not otherwise an officer or employee of the health care service contractor, or to a corporation or firm in which the director is interested, for necessary services performed or sales or purchases made to or for the health care service contractor in the ordinary course of the health care service contractor's business and in the usual private professional or business capacity of the director or the corporation or firm.

NEW SECTION. Sec. 7. There is added to chapter 48.17 RCW a new section to read as follows:

The provisions of this chapter shall apply to agents of health care service contractors and health maintenance organizations.

NEW SECTION. Sec. 8. There is added to chapter 48.46 RCW a new section to read as follows:

(1) Agent, as used in this chapter, means any person appointed or authorized by a health maintenance organization to solicit applications for health care service agreements on its behalf.

(2) No person shall act as or hold himself out to be an agent of a health maintenance organization unless licensed as a disability insurance agent by this state and appointed or authorized by the health maintenance organization on whose behalf solicitations are to be made.

(3) Applications, appointments, and qualifications for licenses, the renewal thereof, the fees and issuance of a license, and the renewal thereof shall be in accordance with the provisions of chapter 48.17 RCW that are applicable to a disability insurance agent.

(4) A person holding a valid license in this state as a health maintenance organization agent on the effective date of this 1983 act is not required to requalify by an examination for the renewal of the license.

(5) The commissioner may revoke, suspend, or refuse to issue or renew any agent's license, or levy a fine upon the licensee, in accordance with those provisions of chapter 48.17 RCW that are applicable to a disability insurance agent.

NEW SECTION. Sec. 9. There is added to chapter 48.46 RCW a new section to read as follows:

(1) No person shall in this state, by mail or otherwise, act as or hold himself out to be a health maintenance organization as defined in RCW 48.46.020 without being duly registered therefor with the commissioner.

(2) The issuance, sale, or offer for sale in this state of securities of its own issue by any health maintenance organization domiciled in this state

other than the memberships and bonds of a nonprofit corporation shall be subject to the provisions of chapter 48.06 RCW relating to obtaining solicitation permits the same as if health maintenance organizations were domestic insurers.

(3) Any person violating any provision of subsection (1) or (2) of this section shall be liable to a fine of not to exceed one thousand dollars and imprisonment for not to exceed six months for each instance of such violation.

Sec. 10. Section 9, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.080 are each amended to read as follows:

(1) Every health maintenance organization shall annually, within one hundred twenty days of the closing date of its fiscal year, file with the commissioner a ~~((report, under oath, in accordance with the provisions of this chapter))~~ statement verified by at least two of the principal officers of the health maintenance organization showing its financial condition as of the closing date of its fiscal year.

(2) Such annual report shall be in such form as the commissioner shall prescribe and shall include:

(a) A financial statement of such organization, including its balance sheet and receipts and disbursements for the preceding year, which reflects at a minimum,

(i) all prepayments and other payments received for health care services rendered pursuant to health maintenance agreements;

(ii) expenditures to all categories of health care facilities, providers, insurance companies, or hospital or medical service plan corporations with which such organization has contracted to fulfill obligations to enrolled participants arising out of its health maintenance ~~((contracts))~~ agreements, together with all other direct expenses including depreciation, enrollment, and commission; and

(iii) expenditures for capital improvements, or additions thereto, including but not limited to construction, renovation, or purchase of facilities and capital equipment;

(b) The number of participants enrolled and terminated during the report period. Every employer offering health care benefits to their employees through a group contract with a health maintenance organization shall furnish said health maintenance organization with a list of their employees enrolled under such plan;

(c) A report of the names and addresses of all officers, directors, or trustees of the health maintenance organization during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals for services to such organization. For partnership and professional service corporations, a report shall be made for partners or shareholders as to any compensation or expense reimbursement received by them

for services, other than for services and expenses relating directly for patient care;

(d) Such other information relating to the performance of the health maintenance organization or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter, in accordance with rules and regulations; and

(e) Disclosure of any financial interests held by officers and directors in any providers associated with the health maintenance organization or any provider of the health maintenance organization.

(3) The commissioner may for good reason allow a reasonable extension of the time within which such annual statement shall be filed.

(4) The commissioner may suspend or revoke the certificate of registration of any health maintenance organization failing to file its annual statement when due or during any extension of time therefor which the commissioner, for good cause, may grant.

(5) No person shall knowingly file with any public official or knowingly make, publish, or disseminate any financial statement of a health maintenance organization which does not accurately state the health maintenance organization's financial condition.

Sec. 11. Section 12, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.110 are each amended to read as follows:

(1) No health maintenance organization may refer to itself in its name or advertising with any of the words: "insurance", "casualty", "surety", "mutual", or any other words descriptive of the insurance, casualty, or surety business, or deceptively similar to the name or description of any insurance or surety corporation or health care service contractor or other health maintenance organization doing business in this state.

(2) No health maintenance organization, nor any health care facility or provider with which such organization has contracted to provide health care services, shall discriminate against any person from whom or on whose behalf, payment to meet the required charge is available, with regard to enrollment, disenrollment, or the provision of health care services, on the basis of such person's race, color, sex, religion, place of residence if there is reasonable access to the facility of the health maintenance organization, socio-economic status, or status as a recipient of medicare under Title XVIII of the Social Security Act, 42 U.S.C. section 1396, et seq.

(3) Where a health maintenance organization determines that an enrolled participant has received health care services to which such enrolled participant is not entitled under the terms of his health maintenance ((~~contract~~) agreement), neither such organization, nor any health care facility or provider with which such organization has contracted to provide health care services, shall have recourse against such enrolled participant for any amount above the actual cost of providing such service, if any, specified in such ((~~contract~~) agreement), unless the enrolled participant or a member of



his family has given or withheld information to the health maintenance organization, the effect of which is to mislead or misinform the health maintenance organization as to the enrolled participant's right to receive such services.

NEW SECTION. Sec. 12. There is added to chapter 48.46 RCW a new section to read as follows:

(1) Any health maintenance agreement under this chapter which provides coverage for dependent children of the enrolled participant shall provide the same coverage for newborn infants of the enrolled participant from and after the moment of birth. Coverage provided under this section shall include, but not be limited to, coverage for congenital anomalies of such children from the moment of birth.

(2) If payment of an additional premium is required to provide coverage for a child, the agreement may require that notification of birth of a newly born child and payment of the required premiums must be furnished to the health maintenance organization. The notification period shall be no less than ninety days from the date of birth. This subsection applies to agreements issued or renewed on or after January 1, 1984.

NEW SECTION. Sec. 13. There is added to chapter 48.46 RCW a new section to read as follows:

Every subscriber of an individual health maintenance agreement may return the agreement to the health maintenance organization or the agent through whom it was purchased within ten days of its delivery to the subscriber if, after examination of the agreement, the subscriber is not satisfied with it for any reason. The health maintenance organization shall refund promptly any fee paid for the agreement. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the health maintenance organization or agent. Upon such return of the agreement, it shall be void from the beginning and the parties shall be in the same position as if no agreement had been issued. Notice of the provisions of this section shall be printed on the face of each such agreement or be attached thereto.

NEW SECTION. Sec. 14. There is added to chapter 48.46 RCW a new section to read as follows:

(1) No person having any authority in the investment or disposition of the funds of a domestic health maintenance organization and no officer or director of a health maintenance organization shall accept, except as agent for the health maintenance organization, or be the beneficiary of any fee, brokerage, gift, commission, or other emolument because of any sale or health care service agreements or any investment, loan, deposit, purchase, sale, payment, or exchange made by or for the health maintenance organization, or be pecuniarily interested therein in any capacity; except, that such a person may procure a loan from the health maintenance organization

directly upon approval by two-thirds of its directors and upon the pledge of securities eligible for the investment of the health maintenance organization's funds under this title.

(2) The commissioner may, by regulations, from time to time, define and permit additional exceptions to the prohibition contained in subsection (1) of this section solely to enable payment of reasonable compensation to a director who is not otherwise an officer or employee of the health maintenance organization, or to a corporation or firm in which the director is interested, for necessary services performed or sales or purchases made to or for the health maintenance organization in the ordinary course of the health maintenance organization's business and in the usual private professional or business capacity of the director or the corporation or firm.

NEW SECTION. Sec. 15. There is added to chapter 48.46 RCW a new section to read as follows:

After hearing or upon stipulation by the registrant and in addition to or in lieu of the suspension, revocation, or refusal to renew any registration of a health maintenance organization, the commissioner may levy a fine against the party involved for each offense in an amount not less than fifty dollars and not more than ten thousand dollars. The order levying such fine shall specify the period within which the fine shall be fully paid and which period shall not be less than fifteen nor more than thirty days from the date of such order. Upon failure to pay any such fine when due the commissioner shall revoke the registration of the registrant, if not already revoked, and the fine shall be recovered in a civil action brought on behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the state treasurer for the account of the general fund.

Sec. 16. Section 20, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.21.200 are each amended to read as follows:

(1) No group disability insurance policy which provides benefits for hospital, medical, or surgical expenses shall be delivered or issued for delivery in this state after September 8, 1975 which contains any provision whereby the insurer may reduce or refuse to pay such benefits otherwise payable thereunder solely on account of the existence of similar benefits provided under any individual disability insurance policy, or under any individual health care service contract.

(2) No group disability insurance policy providing hospital, medical or surgical expense benefits and which contains a provision for the reduction of benefits otherwise payable thereunder on the basis of other existing coverages, shall provide that such reduction will operate to reduce total benefits payable below an amount equal to one hundred percent of total allowable expenses. The commissioner shall by rule establish guidelines for the application of this section, including: (a) The procedures by which persons insured under such policies are to be made aware of the existence of such a provision; (b) the benefits which may be subject to such a provision; (c) the

effect of such a provision on the benefits provided; (d) establishment of the order of benefit determination; and (e) reasonable claim administration procedures to expedite claim payments under such a provision; PROVIDED, HOWEVER, That any group disability insurance policy which is issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3) may exclude all or part of any deductible amounts from the definition of total allowable expenses for purposes of coordination of benefits within the plan and between such plan and other applicable group coverages; AND PROVIDED FURTHER, That any group disability insurance policy providing coverage for persons in this state may exclude all or part of any deductible amounts required by a group disability insurance policy from the definition of total allowable expenses for purposes of coordination of benefits between such policy and a group disability insurance policy issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3).

(3) The provisions of this section shall apply to health care service contractor contracts and health maintenance organization agreements.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

- (1) Section 8, chapter 115, Laws of 1969 and RCW 48.44.045; and
- (2) Section 9, chapter 115, Laws of 1969, section 3, chapter 65, Laws of 1973 1st ex. sess. and RCW 48.44.162.

Passed the House April 23, 1983.

Passed the Senate April 20, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 203

[House Bill No. 765]

### INDUSTRIAL INSURANCE BENEFIT ADJUSTMENTS

AN ACT Relating to industrial insurance; and amending section 2, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 20, Laws of 1982 1st ex. sess. and RCW 51.32.075.

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

Sec. 1. Section 2, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 20, Laws of 1982 1st ex. sess. and RCW 51.32.075 are each amended to read as follows:

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) On July 1, 1982, there shall be an adjustment for those whose right to compensation was established on or after July 1, 1971, and before July 1, 1982. The 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 average monthly wage in the state under RCW 51.08.018 for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the average monthly wage in the state under RCW 51.08.018 on July 1, 1982.

(2) In addition to the adjustment established by subsection (1) of this section, there shall be another adjustment on July 1, 1983, for those whose right to compensation was established on or after July 1, 1971, and before July 1983, which shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the average monthly wage in the state under RCW 51.08.018 for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the average monthly wage in the state under RCW 51.08.018 on July 1, 1983.

(3) In addition to the adjustments under subsections (1) and (2) of this section, further adjustments shall be made beginning on July 1, 1984, and on each July 1st thereafter for those whose right to compensation was established on or after July 1, 1971. The 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 average monthly wage in the state under RCW 51.08.018 for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the average monthly wage in the state under RCW 51.08.018 on July 1st of the year in which the adjustment is being made.

Passed the House March 24, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

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## CHAPTER 204

[Engrossed House Bill No. 867]  
VISUAL ARTS PROGRAM—FUNDING

AN ACT Relating to public art; amending section 1, chapter 176, Laws of 1974 ex. sess. and RCW 43.46.090; amending section 2, chapter 176, Laws of 1974 ex. sess. and RCW 43.17.200; amending section 3, chapter 176, Laws of 1974 ex. sess. and RCW 43.19.455; amending section 5, chapter 176, Laws of 1974 ex. sess. as amended by section 2, chapter 191, Laws of 1982 and RCW 28A.58.055; amending section 4, chapter 176, Laws of 1974 ex. sess. as amended by section 8, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.025; amending section 43.46.040, chapter 8, Laws of 1965 and RCW 43.46.040; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; adding new sections to chapter 43.17 RCW; and adding a new section to chapter 43.46 RCW.

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

Sec. 1. Section 1, chapter 176, Laws of 1974 ex. sess. and RCW 43.46-.090 are each amended to read as follows:

The legislature recognizes this state's responsibility to foster culture and the arts and its interest in the viable development of her artists and craftsmen by the establishment of the Washington state arts commission. The legislature declares it to be a policy of this state that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be ~~((used for public buildings))~~ placed in public buildings or lands. There is hereby established a visual arts program to be administered by the Washington state arts commission.

NEW SECTION. Sec. 2. There is added to chapter 43.46 RCW a new section to read as follows:

All works of art purchased and commissioned under the visual arts program shall become a part of a state art collection developed, administered, and operated by the Washington state arts commission. All works of art previously purchased or commissioned under RCW 43.46.090, 43.17.200, 43.19.455, 28B.10.025, or 28A.58.055 shall be considered a part of the state art collection to be administered by the Washington state arts commission.

NEW SECTION. Sec. 3. There is added to chapter 43.17 RCW a new section to read as follows:

The funds allocated under RCW 43.17.200, 28A.58.055, and 28B.10-.025 shall be subject to interagency reimbursement for expenditure by the visual arts program of the Washington state arts commission when the particular law providing for the appropriation becomes effective. For appropriations which are dependent upon the sale of bonds, the amount or proportionate amount of the moneys under RCW 43.17.200, 28A.58.055, and 28B.10.025 shall be subject to interagency reimbursement for expenditure by the visual arts program of the Washington state arts commission thirty days after the sale of a bond or bonds.

Sec. 4. Section 2, chapter 176, Laws of 1974 ex. sess. and RCW 43.17-.200 are each amended to read as follows:

All state agencies ~~((or departments))~~ including all state departments, boards, councils, commissions, and quasi public corporations shall ~~((expend))~~ allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any ((state)) public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art ((which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited by the agency in other public facilities. In case the amount shall not be required in toto or in part for any project, such unrequired amounts may be accumulated and expended for art in other projects of the agency. Expenditures for works of art as provided for herein shall be contracted for separately from

~~all other items in the original construction of any state building)).~~ The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program by the ~~((contracting agency, the architect and))~~ Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses or other buildings of a temporary nature.

NEW SECTION. Sec. 5. There is added to chapter 43.17 RCW a new section to read as follows:

The Washington state arts commission shall determine the amount to be made available for the purchase of art in consultation with the agency, except where another person or agency is specified under RCW 43.19.455, 28A.58.055, or 28B.10.025, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the directors of the state agencies. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to in RCW 43.17.200, 43.19.455, 28A.58.055, or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose.

Sec. 6. Section 3, chapter 176, Laws of 1974 ex. sess. and RCW 43.19.455 are each amended to read as follows:

Except as provided under section 5 of this 1983 act, the Washington state arts commission shall determine the amount to be made available for the purchase of art ((for each project under supervision of)) under RCW 43.17.200 in consultation with the director of general administration, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection ((of)), contracting, purchase, commissioning ((of artist for)), reviewing of design, execution and placement ((of, and the)), acceptance, maintenance, and sale, exchange, or disposition of works of art ((for such project)) shall be the responsibility of the Washington state arts commission in consultation with the director of general administration. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to under this section, RCW 43.17.200, 28A.58.055, or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose.

Sec. 7. Section 5, chapter 176, Laws of 1974 ex. sess. as amended by section 2, chapter 191, Laws of 1982 and RCW 28A.58.055 are each amended to read as follows:

The state board of education and superintendent of public instruction shall allocate, as a nondeductible item, out of any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art ~~((which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited in other public facilities by the school district. In case the amount shall not be required in toto or in part for any project, such unrequired amounts may be accumulated and expended for art in other projects of the school district))~~. The works of art may be placed in accordance with Article IX, sections 2 and 3 of the state Constitution on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art ~~((for each such project))~~ under this section, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection ((of)), contracting, purchase, commissioning ((of artist for)), reviewing of design, execution and placement ((of, and the)), acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the superintendent of public instruction and ((the)) representatives of school district boards of directors. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to under this section, RCW 43.17.200, 43.19.455, or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose: PROVIDED, That the superintendent of public instruction and the school district board of directors of the districts where the sites are selected shall have the right to:

- (1) Waive its use of the one-half of one percent of the appropriation for the acquisition of works of art before the selection process by the Washington state arts commission;
- (2) Appoint a representative to the body established by the Washington state arts commission to be part of the selection process with full voting rights;
- (3) Reject the results of the selection process;
- (4) Reject the placement of a completed work or works of art on school district premises if such works are portable.

~~((Waiver or))~~ Rejection at any point before or after the selection process shall not cause the loss of or otherwise endanger state construction funds available to the local school district. Any works of art rejected ~~((or funds waived))~~ under this section shall be applied to the provision of works of art under this chapter ((43.17, 43.19, 28B.10 and 28A.58 RCW)), at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and the artist involved. ~~((Expenditures for works of art as provided for herein shall be contracted for separately from all other items in the original construction of any state building))~~. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration by the ~~((contracting agency, the architect, and))~~ Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses or other buildings of a temporary nature.

The executive director of the arts commission, the superintendent of public instruction and the Washington state school directors association shall appoint a study group to review the operations of the one-half of one percent for works of art under this section.

Sec. 8. Section 4, chapter 176, Laws of 1974 ex. sess. as amended by section 8, chapter 169, Laws of 1977 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, 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))~~ under section 9 of this 1983 act, and payment therefor shall be made in accordance with law. The designation of projects and sites, the selection ((of)), contracting, purchase, commissioning ((of artist for)), reviewing of design, execution and placement ((of, and the)), acceptance, maintenance, and sale, exchange, or disposition 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)). However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to under this section, RCW 43.17.200, 43.19.455, or 28A.58.055, but shall be contingent upon adequate appropriations being made for that purpose.

NEW SECTION. Sec. 9. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

All universities and colleges shall allocate as a nondeductible item, out of any moneys appropriated for the original construction or any major renovation or remodel work exceeding two hundred thousand dollars of any



building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission with the approval of the board of regents or trustees for the acquisition of works of art. The works of art may be placed on public lands of institutions of higher education, integral to or attached to a public building or structure of institutions of higher education, detached within or outside a public building or structure of institutions of higher education, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities.

In addition to the cost of the works of art the one-half of one percent of the appropriation shall be used to provide for the administration of the visual arts program by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, and other buildings of a temporary nature.

NEW SECTION. Sec. 10. Implementation of section 7 of this 1983 act shall become effective upon approval by the arts commission, the superintendent of public instruction and the Washington state school directors association.

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 House April 22, 1983.  
 Passed the Senate April 18, 1983.  
 Approved by the Governor May 16, 1983.  
 Filed in Office of Secretary of State May 16, 1983.

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## CHAPTER 205

[Substitute Senate Bill No. 3026]

### RADIOACTIVE OR HAZARDOUS CARGO TRANSPORTATION

AN ACT Relating to radioactive or hazardous cargo; adding a new section to chapter 47.48 RCW; adding a new section to chapter 47.01 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is added to chapter 47.48 RCW a new section to read as follows:

The chief or other officer of the Washington state patrol may prohibit the transportation of placarded radioactive or hazardous cargo over the highways of the state, or a portion thereof, if weather or other conditions create a substantial risk to public safety. For the purposes of this section hazardous cargo shall mean hazardous materials as defined in RCW

70.136.020(1). Violation of an order issued under this section constitutes a misdemeanor.

**NEW SECTION.** Sec. 2. There is added to chapter 47.01 RCW a new section to read as follows:

The department of transportation shall adopt regulations to establish procedures for giving notice to transporters of placarded radioactive or hazardous cargo of times when transportation of such cargo is prohibited.

**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 April 23, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 206

[Engrossed Substitute Senate Bill No. 3055]

### ELECTRICAL CONSTRUCTION TRADE—JOURNEYMAN ELECTRICIAN— SPECIALTY ELECTRICIAN—REGULATIONS

AN ACT Relating to the electrical construction trade; amending section 1, chapter 169, Laws of 1935 as last amended by section 1, chapter 117, Laws of 1965 ex. sess. and RCW 19.28.010; amending section 10, chapter 169, Laws of 1935 as amended by section 2, chapter 117, Laws of 1965 ex. sess. and RCW 19.28.060; amending section 1, chapter 30, Laws of 1969 as last amended by section 1, chapter 195, Laws of 1975 1st ex. sess. and RCW 19.28.120; amending section 4, chapter 188, Laws of 1974 ex. sess. as last amended by section 3, chapter 195, Laws of 1975 1st ex. sess. and RCW 19.28.125; amending section 8, chapter 169, Laws of 1935 as last amended by section 2, chapter 129, Laws of 1971 ex. sess. and RCW 19.28.210; amending section 9, chapter 169, Laws of 1935 and RCW 19.28.250; amending section 2, chapter 169, Laws of 1935 and RCW 19.28.260; amending section 13, chapter 169, Laws of 1935 and RCW 19.28.300; amending section 7, chapter 169, Laws of 1935 and RCW 19.28.310; amending section 14, chapter 169, Laws of 1935 as amended by section 16, chapter 30, Laws of 1980 and RCW 19.28.350; amending section 2, chapter 30, Laws of 1980 and RCW 19.28.510; amending section 4, chapter 30, Laws of 1980 and RCW 19.28.530; amending section 5, chapter 30, Laws of 1980 and RCW 19.28.540; amending section 6, chapter 30, Laws of 1980 and RCW 19.28.550; amending section 8, chapter 30, Laws of 1980 and RCW 19.28.570; amending section 9, chapter 30, Laws of 1980 and RCW 19.28.580; amending section 10, chapter 30, Laws of 1980 and RCW 19.28.590; amending section 11, chapter 30, Laws of 1980 and RCW 19.28.600; amending section 12, chapter 30, Laws of 1980 and RCW 19.28.610; amending section 13, chapter 30, Laws of 1980 and RCW 19.28.620; adding new sections to chapter 19.28 RCW; repealing section 12, chapter 169, Laws of 1935, section 63, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.270; and repealing section 1, chapter 30, Laws of 1980 and RCW 19.28.500.

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

**NEW SECTION.** Sec. 1. There is added to chapter 19.28 RCW a new section to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Administrator" means a person designated by an electrical contractor to supervise electrical work and electricians in accordance with the rules adopted under this chapter.

(2) "Advisory board" means the electrical advisory board under RCW 19.28.065.

(3) "Board of electrical examiners" means the board of electrical examiners under RCW 19.28.123.

(4) "Chapter" means chapter 19.28 RCW.

(5) "Department" means the department of labor and industries.

(6) "Director" means the director of the department or the director's designee.

(7) "Electrical construction trade" includes but is not limited to installing or maintaining electrical wires and equipment that are used for light, heat, or power.

(8) "Electrical contractor" means a person, firm, partnership, corporation, or other entity that offers to undertake, undertakes, submits a bid for, or does the work of installing or maintaining wires or equipment that convey electrical current.

(9) "Equipment" means any equipment or apparatus that directly uses, conducts, or is operated by electricity but does not mean plug-in household appliances.

(10) "Journeyman electrician" means a person who has been issued a journeyman electrician certificate of competency by the department.

(11) "Specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department.

Sec. 2. Section 1, chapter 169, Laws of 1935 as last amended by section 1, chapter 117, Laws of 1965 ex. sess. and RCW 19.28.010 are each amended to read as follows:

~~((From and after the taking effect of this chapter))~~ (1) All wires and equipment, and installations thereof, that convey electric current and installations of ~~((apparatus))~~ equipment to be operated by ~~((said))~~ electric current, in, on, or about buildings~~((;))~~ or structures, except for telephone ~~((and))~~, telegraph, radio, and television wires and equipment, and television antenna installations, signal strength amplifiers, and coaxial installations pertaining thereto shall be in strict conformity with ~~((the provisions of))~~ this chapter, the statutes of the state of Washington, and the rules ~~((and regulations))~~ issued by the department ~~((of labor and industries under the authority of the state statutes))~~, and shall be in conformity with approved methods of construction for safety to life and property. All wires and equipment that fall within section 90.2(b)(5) of the National Electrical Code, 1981 edition, are exempt from the requirements of this chapter. The regulations and articles ~~((as laid down))~~ in the National Electrical Code, as approved by the American Standards Association, and in the national electrical safety code, as approved by the American Standards Association, and

other installation and safety regulations approved by the American Standards Association, as ~~((duty))~~ modified or supplemented by rules ~~((and regulations))~~ issued by the department ~~((of labor and industries))~~ in furtherance of safety to life and property under authority hereby granted, shall be prima facie evidence of ~~((such))~~ the approved methods ~~((and))~~ of construction. All materials, devices, appliances, and equipment used in such installations shall be of a type ~~((which shall))~~ that conforms to applicable standards or be indicated as acceptable by the established standards of the Underwriters' Laboratories, Inc. ~~((;))~~ or other equivalently national recognized authorities ~~((; PROVIDED, That)).~~

(2) This chapter shall not limit the authority or power of any city or town to enact and enforce under ~~((power and))~~ authority given by law, any ordinance, rule, or regulation ~~((s))~~ requiring an equal, ~~((a))~~ higher, or better standard of construction and an equal, higher, or better standard of materials, devices, appliances, and equipment than that required by this chapter ~~((; but in such)).~~ In a city or town having ~~((such))~~ an equal, higher, or better standard ~~((such))~~ the installations ~~((and)),~~ materials, devices, appliances, and equipment shall be in accordance with the ordinance, rule, or regulation of ~~((such))~~ the city or town ~~((; PROVIDED, That)).~~

(3) Nothing in this chapter ~~((shall))~~ may be construed as ~~((requiring or))~~ permitting the connection of any conductor of any electric circuit with a pipe ~~((, which))~~ that is connected with or designed to be connected with a waterworks piping system, without the consent of the person or persons legally responsible for the operation and maintenance of ~~((such))~~ the waterworks piping system.

NEW SECTION. Sec. 3. There is added to chapter 19.28 RCW a new section to read as follows:

Disputes arising under RCW 19.28.010(2) regarding whether the city or town's electrical rules, regulations, or ordinances are equal to the rules adopted by the department shall be resolved by arbitration. The department shall appoint two members of the advisory board to serve on the arbitration panel, and the city or town shall appoint two persons to serve on the arbitration panel. These four persons shall choose a fifth person to serve. If the four persons cannot agree on a fifth person, the presiding judge of the superior court of the county in which the city or town is located shall choose a fifth person. A decision of the arbitration panel may be appealed to the superior court of the county in which the city or town is located within thirty days after the date the panel issues its final decision.

Sec. 4. Section 10, chapter 169, Laws of 1935 as amended by section 2, chapter 117, Laws of 1965 ex. sess. and RCW 19.28.060 are each amended to read as follows:

~~((On or before the first day of January, 1936;))~~ Prior to January 1st of each year, the director ~~((of labor and industries))~~ shall obtain an authentic copy of the national electrical code as approved by the American Standards

Association, and an authentic copy of any applicable regulations and standards of the Underwriters' Laboratories, Inc., or other nationally recognized testing laboratory prescribing rules, regulations, and standards for electrical materials, devices, appliances, and equipment, ~~((and shall annually thereafter on or before the first day of January obtain a new set of such rules, regulations and standards))~~ including ~~((therein))~~ any modifications and changes that have been made during the previous year in ~~((such))~~ the rules, regulations, and standards. The ~~((director of labor and industries))~~ department, after consulting with the ~~((electrical))~~ advisory board and receiving the board's recommendations ~~((pursuant to RCW 19.28.065))~~, shall adopt ~~((and promulgate))~~ reasonable rules ~~((and regulations))~~ in furtherance of safety to life and property. All ~~((such aforementioned))~~ rules ~~((regulations and standards))~~ shall be kept on file ~~((in the office of the director of labor and industries;))~~ by the department. Compliance with ~~((such))~~ the rules ~~((regulations and standards))~~ shall be prima facie evidence of compliance with ~~((the provisions of))~~ this chapter. The ~~((director of labor and industries))~~ department upon request ~~((;))~~ shall deliver to all persons, firms, ~~((or))~~ partnerships, corporations, or other entities licensed under ~~((the provisions of))~~ this chapter ~~((;))~~ a ~~((certified))~~ copy of ~~((such))~~ the rules ~~((regulations and standards))~~. ~~Any printed copy of such rules, regulations and standards certified by the director of labor and industries as being a full, true and correct copy of such rules, regulations and standards on file in his office shall be accepted in any court of the state of Washington as conclusive evidence of such approved methods, regulations and standards).~~

Sec. 5. Section 1, chapter 30, Laws of 1969 as last amended by section 1, chapter 195, Laws of 1975 1st ex. sess. and RCW 19.28.120 are each amended to read as follows:

(1) It ~~((shall be))~~ is unlawful for any person, firm, ~~((or))~~ partnership, corporation, or other entity to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to convey electric current, or installing ~~((apparatus))~~ or maintaining equipment to be operated by ~~((such))~~ electric current as it pertains to the electrical industry, without having an unrevoked, unsuspended, and unexpired electrical contractor license ~~((so to do))~~, issued by the ~~((director of labor and industries))~~ department in accordance with ~~((the provisions of))~~ this chapter. All ~~((such))~~ electrical contractor licenses ~~((shall))~~ expire on the thirty-first day of December following the day of their issue. Application for ~~((such))~~ an electrical contractor license shall be made in writing to the department ~~((of labor and industries))~~, accompanied by the required fee ~~((and))~~. The application shall state the name and address of the applicant ~~((and))~~; in case of firms or partnerships, the names of the individuals composing the firm ~~((and))~~ or partnership; in case of corporations, the names of the managing officials thereof ~~((and shall state))~~; the location of the place of business of the applicant and the name under which ~~((such))~~ the business is

conducted(;;); and (~~shall state the type of license sought;~~) whether a general or specialty electrical contractor license(;;) is sought and, if the latter, the type of specialty. Electrical contractor specialties include, but are not limited to: Residential, domestic appliances, pump and irrigation, limited energy system, signs, and nonresidential maintenance. A general electrical contractor license shall grant to the holder (~~thereof~~) the right to engage in, conduct, or carry on(;;) the business of installing or maintaining wires or equipment to carry electric current, and installing (~~apparatus~~) or maintaining equipment, or (~~install~~) installing or maintaining material to fasten(;;) or insulate such wires or equipment(;;) to be operated by (~~such~~) electric current, in (~~any and all places in~~) the state of Washington. A specialty electrical contractor license shall grant to the holder (~~thereof~~) a limited right to engage in, conduct, or carry on(;;) the business of installing or maintaining wires or equipment to carry electrical current, and installing (~~apparatus;~~) or maintaining equipment; or (~~to install~~) installing or maintaining material to fasten(;;) or insulate such wires or equipment(;;) to be operated by (~~such~~) electric current in the state of Washington as expressly allowed by (~~such~~) the license.

(2) The application for (~~such~~) a contractor license shall be accompanied by a bond in the sum of three thousand dollars with the state of Washington named as obligee (~~therein~~) in the bond, with good and sufficient surety, to be approved by the (~~attorney general~~) department. (~~Said~~) The bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, (~~shall ipso facto revoke and~~) suspends the license issued to the principal until (~~such time as~~) a new bond (~~of like tenor and effect shall have~~) has been filed and approved as (~~herein~~) provided in this section. Upon approval of (~~said~~) a bond (~~by the attorney general~~), the (~~director of labor and industries~~) department shall on the next business day (~~thereafter~~) deposit the fee accompanying (~~said~~) the application in the (~~fund to be known and designated as the "~~)electrical license fund(~~"~~). ~~Upon approval of said bond by the attorney general, he shall transmit the same to the state electrical inspection division, who~~) and shall file (~~said~~) the bond in the office(, and). The department shall upon (~~application~~) request furnish to any person, firm (~~or~~), partnership, corporation, or other entity a certified copy (~~thereof, under seal;~~) of the bond upon the payment of a fee (~~of two dollars~~) that the department shall set by rule. (~~Said~~) The fee shall cover but not exceed the cost of furnishing the certified copy. The bond shall be conditioned that in any installation or maintenance of wires or equipment to convey electrical current, and (~~apparatus~~) equipment to be operated by (~~such~~) electrical current, the principal (~~therein~~) will comply with the provisions of this chapter and (~~in case such installation is in an incorporated city or town having an~~) with any electrical ordinance, building code, or regulation(~~s prescribing equal, a higher or better standard, manner or~~

~~method of such installation that the principal will comply with the provisions of such ordinance, building code or regulations governing such installations as may be~~) of a city or town adopted pursuant to RCW 19.28.010(2) that is in effect at the time of entering into a contract ((for such installation)). ((Said)) The bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon ((such)) the work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm ((or)), partnership, corporation, or other entity due to a failure of the principal to make ((such)) the installation or maintenance in accordance with ((the provisions of)) this chapter(;) or any applicable ordinance, building code, or regulation ((applicable thereto)) of a city or town adopted pursuant to RCW 19.28.010(2). In lieu of the surety bond required by this section the license applicant may file with the ((director)) department a cash deposit or other negotiable security acceptable to the ((director: PROVIDED, HOWEVER;)) department. If the license applicant has filed a cash deposit, the ((director)) department shall deposit ((such)) the 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)) the account.

~~((The board of electrical examiners shall certify to the director of labor and industries all persons who are entitled to either a general or specialty electrical contractors' qualifying certificate.))~~

~~(3) The ((director of labor and industries)) department shall issue general or specialty electrical contractor licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, ((or)) partnership, corporation, or other entity including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, ((shall be)) are exclusive, and no political subdivision of the state of Washington ((shall)) may require or issue any licenses or bonds ((nor)) or charge any fee for the same or a similar purpose((- PROVIDED, That)). No person, firm, partnership, corporation, or other entity holding more than one specialty contractor license under ((the provisions of)) this chapter ((shall)) may be required to pay an annual fee for more than one such license or ((shall be required)) to post more than one three thousand dollar bond ((or an)), equivalent cash deposit, or other negotiable security.~~

~~((2) From and after the effective date of this 1975 amendatory act))~~  
 (4) To obtain a general or specialty electrical contractor license the applicant must designate an individual who currently possesses an ((electrical qualifying)) administrator's certificate as a general electrical contractor administrator or as ((to the)) a specialty electrical contractor ((license)) administrator in the specialty for which application has been made.

Administrator certificate specialties include but are not limited to: Residential, domestic, appliance, pump and irrigation, limited energy system, signs, and nonresidential maintenance. To obtain ~~((such a))~~ an administrator's certificate an individual ~~((shall))~~ must pass an examination as set forth in RCW 19.28.123 ~~((or, alternately,))~~ unless the applicant was a ~~((duly))~~ licensed electrical contractor at any time during 1974. ~~((As to those))~~ Applicants who were ~~((duly licensed as))~~ electrical contractors licensed by the state of Washington at any time during 1974 ~~((such applicants shall be))~~ are entitled to receive a general electrical contractor ~~((qualifying))~~ administrator's certificate without examination if the applicants apply prior to January 1, 1984. The board of electrical examiners shall certify to the department the names of all persons who are entitled to either a general or specialty electrical contractor administrator's certificate.

Sec. 6. Section 4, chapter 188, Laws of 1974 ex. sess. as last amended by section 3, chapter 195, Laws of 1975 1st ex. sess. and RCW 19.28.125 are each amended to read as follows:

(1) Each applicant for an electrical contractor's license, other than an individual, shall designate a supervisory employee or member of the firm to take the required administrator's examination. This person shall be designated as administrator under the license. No person may qualify as administrator for more than one contractor. If the relationship of the administrator with the ~~((applicant firm or corporation))~~ electrical contractor is terminated, the contractor's license is void within ninety days unless another administrator is qualified by the board of electrical examiners. However, if the administrator dies, the contractor's license is void within one hundred eighty days unless another administrator is qualified by the board of electrical examiners. A ~~((certification))~~ certificate issued under this ~~((chapter))~~ section is valid for the calendar year of issuance, unless revoked or suspended, and further is nontransferable. The ~~((certification))~~ certificate may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ~~((thirty))~~ ninety days~~((: PROVIDED, That))~~ after the expiration date. If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. An individual holding ~~((any certification(s)))~~ more than one administrator's certificate under ~~((the provisions of))~~ this chapter shall not be required to pay annual fees for more than one certificate. A person may take the administrator's test as many times as necessary without limit.

(2) The administrator shall:

(a) Be available during working hours to carry out the duties of an administrator under this section;

(b) Ensure that all electrical work complies with the electrical installation laws and rules of the state;

(c) Ensure that the proper electrical safety procedures are used;



(d) Ensure that all electrical labels, permits, and licenses required to perform electrical work are used;

(e) See that corrective notices issued by an inspecting authority are complied with; and

(f) Notify the department in writing within ten days if the administrator terminates the relationship with the electrical contractor.

(3) The department shall not by rule change the administrator's duties under subsection (2) of this section.

Sec. 7. Section 8, chapter 169, Laws of 1935 as last amended by section 2, chapter 129, Laws of 1971 1st sess. and RCW 19.28.210 are each amended to read as follows:

The director ~~((of labor and industries, through the inspector, assistant inspector, or deputy inspector, is hereby empowered to inspect, and shall inspect,))~~ shall cause an inspector to inspect all wiring, appliances, devices, and equipment to which this chapter applies. Nothing contained in this chapter ~~((shall))~~ may be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter ~~((19.28 RCW))~~ except those pertaining to cities and towns pursuant to RCW 19.28.010(2). Upon request, electrical inspections will be made by the ~~((electrical inspection))~~ department within forty-eight hours, excluding holidays, Saturdays, and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect ~~((thereto, providing))~~ electrical power to the installation if the necessary electrical ~~((safe wiring label))~~ work permit is displayed. Whenever the installation of any ~~((such))~~ wiring, device, appliance, or equipment is not in accordance with ~~((the requirements of))~~ this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, ~~((or))~~ partnership, corporation, or other entity owning, using, or operating ~~((the same))~~ it shall be notified by the ~~((director of labor and industries))~~ department and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger ~~((therefrom))~~ to life or property and to make ~~((the same))~~ it conform to ~~((the provisions of))~~ this chapter. The director ~~((of labor and industries)),~~ through ~~((such inspector, assistant inspector or any deputy))~~ the inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to ~~((such))~~ conductors or ~~((apparatus as is))~~ equipment that are found to be in a dangerous or unsafe condition and not in accordance with ~~((the provisions of))~~ this chapter. Upon making ~~((such))~~ a disconnection ~~((he))~~ the inspector shall attach ~~((thereto))~~ a notice stating that ~~((such))~~ the conductors have been found dangerous to life or property ~~((or))~~ and are not in accordance with ~~((the requirements of))~~ this chapter ~~((; and it shall be)).~~ It is unlawful for any person to reconnect such defective conductors or ~~((apparatus))~~ equipment without the approval of the ~~((director of labor and~~

industries)) department, and until the ((same)) conductors and equipment have been placed in a safe and secure condition, and in ((such)) a condition ((as to comply)) that complies with ((the requirements of)) this chapter. The director ((of labor and industries)), through the electrical inspector, ((assistant inspector, or any deputy inspector, shall have)) has the right during reasonable hours to enter into and upon any building or premises in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment, or material contained ((thereon or therein)) in or on the buildings or premises. No electrical wiring or equipment subject to ((the requirements of)) this chapter ((shall)) may be concealed until ((an inspection is applied for under this chapter and an inspection made and the work therein)) it has been approved by the inspector making ((such)) the inspection. ((It shall be the responsibility of those)) Persons, firms, partnerships, corporations, or other entities making electrical installations ((to)) shall obtain inspection and approval from an authorized representative of the ((director of labor and industries)) department as required by this chapter((, prior to)) before requesting the electric utility to connect to ((said)) the installations. Electric utilities may connect ((such said)) to the installations if approval is clearly indicated by certification of the ((safe wiring label)) electrical work permit required to be affixed to each installation or by equivalent means, except that((;) increased or relocated services may be reconnected immediately((;) at the discretion of the utility((;) before approval((, provided a safe wiring label)) if an electrical work permit is displayed. The ((labels)) permits shall be furnished upon payment of the fee to the department ((of labor and industries)). The director, subject to the recommendations and approval of the ((state electrical)) advisory board, shall set by rule a schedule of license and ((safe wiring label)) electrical work permit fees ((which)) that will cover the costs ((incurred by the department of labor and industries in the)) of administration and enforcement of this chapter. The rules shall be adopted in accordance with the administrative procedure((s) act, chapter 34.04 RCW((,- PROVIDED, That)). No fee ((shall)) may be charged for plug-in mobile homes, recreational vehicles, or portable appliances.

Sec. 8. Section 9, chapter 169, Laws of 1935 and RCW 19.28.250 are each amended to read as follows:

If any inspection made under ((the provisions of)) this chapter requires any correction or change in the work inspected, a written report ((thereon)) of the inspection shall be made ((in writing)) by the inspector, in which report the corrections or changes required shall be plainly stated. A copy of ((such)) the report shall be furnished to the person, firm, ((or)) partnership, corporation, or other entity doing the installation work, and a copy ((thereof)) shall be filed ((in the office of the director of labor and industries)) with the department.

Sec. 9. Section 2, chapter 169, Laws of 1935 and RCW 19.28.260 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person, firm ~~((or)), partnership,~~ corporation, or other entity to install or maintain any electrical wiring, appliances, devices, or equipment not in accordance with ~~((the standards prescribed by))~~ this chapter. In cases where the interpretation and application of the installation or maintenance standards ~~((herein))~~ prescribed in this chapter is in dispute~~((;))~~ or in doubt, the ~~((electrical))~~ advisory board ~~((of appeals hereinafter provided for))~~ shall, upon application of any interested person, firm ~~((or)), partnership,~~ corporation, or other entity, determine the methods of installation ~~((and/or))~~ or maintenance or the materials, devices, appliances, or equipment to be used in the particular case submitted for its decision.

Sec. 10. Section 13, chapter 169, Laws of 1935 and RCW 19.28.300 are each amended to read as follows:

Any person, firm ~~((or)), partnership,~~ corporation, or other entity desiring a ~~((ruling or))~~ decision of the advisory board ~~((of appeals on any question of interpretation of the rules, regulations and standards, or proper application of the rules, regulations and standards prescribed by this chapter))~~ pursuant to RCW 19.28.260 shall, in writing, notify the director ~~((of labor and industries))~~ of such desire and shall accompany the notice with a certified check payable to the ~~((director of labor and industries))~~ department in the sum of ~~((fifty))~~ two hundred dollars~~((; such))~~. The notice shall specify the ruling or interpretation desired and the contention of ~~((such))~~ the person, firm ~~((or)), partnership,~~ corporation, or other entity as to the proper interpretation or application or the question on which a ~~((ruling or))~~ decision is desired~~((; and in event))~~. If the advisory board ~~((of appeals shall))~~ determines that the contention of the applicant for a decision ~~((or ruling))~~ was proper, the ~~((certified check))~~ two hundred dollars shall be returned to ~~((such))~~ the applicant; otherwise ~~((the same))~~ it shall be used ~~((so far as necessary))~~ in paying the expenses and per diem of the members of the advisory board ~~((of appeals))~~ in connection with ~~((such))~~ the matter~~((; and))~~. Any portion of ~~((said fifty))~~ the two hundred dollars not used in paying the per diem and expenses of ~~((said))~~ the board in ~~((said))~~ the case shall~~((; by the director of labor and industries;))~~ be paid into the electrical fund.

Sec. 11. Section 7, chapter 169, Laws of 1935 and RCW 19.28.310 are each amended to read as follows:

The department ~~(([director] of labor and industries shall have))~~ has the power, in case of ~~((gross and))~~ continued ~~((violation of))~~ noncompliance with the provisions of this chapter, to revoke~~((;))~~ or suspend for such a period as ~~((he may))~~ it determines, any electrical contractor license or electrical contractor administrator certificate issued under this chapter. The

department shall notify the holder of the license or certificate of the revocation or suspension by certified mail. A revocation or suspension is effective fifteen days after the holder receives the notice. Any ((such)) revocation or suspension ((shall be)) is subject to review by an appeal to the ((electrical)) board of ((appeals hereinafter provided. Such)) electrical examiners. The filing of an appeal stays the effect of a revocation or suspension until the board of electrical examiners makes its decision. The appeal shall be ((taken)) filed within ((five)) fifteen days after notice of ((such)) the revocation or suspension is given by ((mailing)) certified mail sent to the address of ((such licensee)) the holder of the license or certificate as shown on the application for the license or certificate, and shall be effected by filing a written notice of appeal with the department ((of labor and industries)), accompanied by a certified check for ((fifty)) two hundred dollars, which shall be returned to the ((licensee in event)) holder of the license or certificate if the decision of the department ((of labor and industries)) is not sustained by ((said)) the board((- otherwise to)). If the board sustains the decision of the department, the two hundred dollars shall be applied by the department ((of labor and industries in)) to the payment of the per diem and expenses of the members of ((such)) the board incurred in ((such)) the matter(;;), and any balance remaining after payment of ((such)) per diem and expenses shall be paid into the electrical license fund.

Sec. 12. Section 14, chapter 169, Laws of 1935 as amended by section 16, chapter 30, Laws of 1980 and RCW 19.28.350 are each amended to read as follows:

Any person, firm ((or)), partnership, corporation, or other entity violating any of the provisions of RCW 19.28.010 through 19.28.380 ((shall be deemed)) is guilty of a misdemeanor, and shall be ((punishable)) punished by a fine of not less than fifty dollars, or not less than five days imprisonment, or both ((such)) the fine and imprisonment. Each day that any ((such)) violation ((shall)) continues shall be deemed a separate offense.

Sec. 13. Section 2, chapter 30, Laws of 1980 and RCW 19.28.510 are each amended to read as follows:

(1) No person ((shall)) may engage in the electrical construction trade ((of maintaining or installing electrical equipment or apparatus for light, heat, or power)) without having a current journeyman electrician certificate of competency or a current specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, domestic appliances, pump and irrigation, limited energy system, signs, and nonresidential maintenance.

(2) A person who is indentured in an ((approved)) apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade or who is learning the electrical construction trade(;;) may ((maintain or install electrical equipment or apparatus for light, heat, or power))

work in the electrical construction trade if supervised by a certified journeyman electrician or a certified specialty electrician in that electrician's specialty. All apprentices and individuals learning the electrical construction trade shall obtain ~~((and be issued))~~ an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade ~~((of an electrician))~~ while under the direct supervision of a journeyman electrician or a specialty electrician working in his or her specialty. The holder of the electrical training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the ~~((holders'))~~ holder's employers in the electrical construction industry for the previous year and the number of hours worked for each employer. An annual fee ~~((of five dollars))~~ shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices ~~((or))~~ and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show ~~((the))~~ their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman electrician or an appropriate specialty electrician who has an applicable certificate of competency issued under this chapter. Either a journeyman electrician or an appropriate specialty electrician shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty electricians working on a job site shall be:

(a) From September 1, 1979, through December 31, 1982, not more than three noncertified electricians working on any one job site for every certified journeyman or specialty electrician;

(b) Effective January 1, 1983, not more than two noncertified individuals working on any one job site for every specialty electrician or journeyman electrician working as a specialty electrician;

(c) Effective January 1, 1983, not more than than one noncertified individual working on any one job site for every certified journeyman electrician.

The ratio requirements do not apply to a trade school program in the electrical construction trade established during 1946.

An individual ~~((with))~~ who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the electrical construction trade in a school approved by the commission for vocational education, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

Sec. 14. Section 4, chapter 30, Laws of 1980 and RCW 19.28.530 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review ~~((the same))~~ the application and ~~((make a determination as to))~~ determine whether the applicant is eligible to take an examination for the journeyman or specialty certificate of competency. To be eligible to take the examination for a journeyman certificate the applicant must have worked ((under the supervision of a journeyman electrician certified under this chapter)) in the electrical construction trade for a minimum of four years employed full time, of which two years shall be in industrial or commercial electrical installation under the supervision of a journeyman electrician certified under this chapter and not more than a total of two years in all specialties under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter or have successfully completed an ((approved)) apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade. To be eligible to take the examination to become a specialty electrician the applicant shall have worked in that specialty of the electrical construction trade, under the supervision of ((the)) a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter, for a minimum of two years employed full time, or have successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade. Before January 1, 1984, applicants for nonresidential maintenance specialty licenses are eligible to become nonresidential maintenance specialists upon certification to the department that they have the equivalent of two years full-time experience in that specialty field. Persons applying before January 1, 1984, for a journeyman certificate are eligible to take the examination to become journeymen until July 1, 1984, upon certification to the department that they have the equivalent of five years full-time experience in nonresidential maintenance, of which two years shall be in industrial electrical installation. Any applicant who has successfully completed a two-year technical school program in the electrical construction trade in a school that is approved by the commission for vocational education may substitute up to two years of the technical school program for two years of work experience under a journeyman electrician((~~PROVIDED, That~~)). The applicant shall obtain the additional two years of work experience ((shall run)) required in industrial or commercial electrical installation prior to the beginning, or after the

completion, of the technical school program. Any applicant who has received training in the electrical construction trade(~~(, as defined by this chapter,)~~) in the armed service of the United States may be eligible to take the examination for the certificate of competency. Any applicant who is a graduate of a trade school program in the electrical construction trade that was established during 1946(~~(, shall be)~~) is eligible to take the examination for the certificate of competency. No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules (~~(and regulations)~~) for the examinations to be given applicants for certificates of competency. In establishing (~~(said)~~) the rules, (~~(regulations, and criteria,)~~) the department shall consult with the board of electrical examiners. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the (~~(same)~~) examination.

Sec. 15. Section 5, chapter 30, Laws of 1980 and RCW 19.28.540 are each amended to read as follows:

The department, in coordination with the board of electrical examiners, shall prepare an examination to be administered to applicants for journeyman and specialty certificates of competency. 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)~~) are identified with the status of journeyman electrician or specialty electrician; and

(2) Whether the applicant is sufficiently familiar with the applicable electrical codes and the (~~(administrative)~~) rules of the department pertaining to electrical installations and electricians.

The department shall (~~(administer)~~), at least four times annually, administer the examination to persons eligible to take (~~(the same)~~) it under RCW 19.28.530. A person may take the journeyman or specialty test as many times as necessary without limit. All applicants shall, before taking (~~(such)~~) the examination, pay to the department (~~(a fifteen dollar)~~) an examination fee(~~(- PROVIDED, That any applicant taking said examination shall pay only such additional)~~). The department shall set the fee by rule. The fee (as is necessary to) shall cover but not exceed the costs of preparing and administering (such additional) the examination.

The department shall certify the results of (~~(said)~~) the examination(~~(;)~~) upon such terms and after such a period of time as the department, in cooperation with the board of electrical examiners, (~~(shall)~~) deems necessary and proper.

Sec. 16. Section 6, chapter 30, Laws of 1980 and RCW 19.28.550 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 19.28.540, and who

have ~~((otherwise))~~ complied with RCW ~~((19.28.500))~~ 19.28.510 through 19.28.620 and the rules ~~((and regulations promulgated thereto))~~ adopted under this chapter. 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))~~ renewed annually, upon application, on or before the first of July. ~~((An annual renewal))~~ A fee ~~((of fifteen dollars))~~ shall be assessed for each certificate ~~((: PROVIDED, HOWEVER, That any person, firm or corporation, licensed and bonded under RCW 19.28.120 shall not be assessed and shall not be required to pay the annual renewal fee for certification of competency))~~ and for each annual renewal. The certificate may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. The department shall set the fees by rule for issuance and renewal of a certificate of competency. The fees shall cover but not exceed the costs of issuing the certificates and of administering and enforcing the electrician certification requirements of this chapter.

The certificates of competency ~~((or))~~ and temporary permits provided for in this chapter ~~((shall))~~ grant the holder the right to ~~((engage in the))~~ work ~~((of electrical installation))~~ in the electrical construction trade as a journeyman electrician or specialty electrician in accordance with ~~((its))~~ their provisions throughout the state and within any of its political subdivisions without additional proof of competency or any other license ~~((or))~~,<sub>2</sub> permit, or fee to engage in such work.

Sec. 17. Section 8, chapter 30, Laws of 1980 and RCW 19.28.570 are each amended to read as follows:

The department is authorized to grant and issue temporary permits in lieu of certificates of competency whenever an electrician coming into the state of Washington from another state requests the department for a temporary permit to engage in the ~~((business and trade of))~~ electrical ~~((installation))~~ construction trade as an electrician during the period of time between filing of an application for a certificate as provided in RCW 19.28.520 and taking the examination provided for in RCW 19.28.540. The department is authorized to enter into reciprocal agreements with other states providing for the acceptance of such states' journeyman certificate of competency or its equivalent when such states requirements are equal to the standards set by this chapter. No temporary permit shall be issued to:

(1) Any person who has failed to pass the examination for a certificate of competency, except that any person who has failed the examination for competency under this section shall be entitled to continue to work under a temporary permit for ninety days if the person is enrolled in a journeyman electrician refresher course and shows evidence to the department that he or



she has not missed any classes. The person, after completing the journeyman electrician refresher course, shall be eligible to retake the examination for competency at the next scheduled time.

(2) Any applicant under this section who has not furnished the department with such evidence required under RCW 19.28.520.

(3) To any apprentice electrician.

Sec. 18. Section 9, chapter 30, Laws of 1980 and RCW 19.28.580 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 electrical installations))~~ work in the electrical construction trade as a journeyman electrician or specialty electrician;

(c) The holder thereof has violated any of the provisions of RCW ~~((19.28.500))~~ 19.28.510 through 19.28.620 or any rule ~~((or regulation promulgated thereto))~~ adopted under this chapter.

(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))~~ the holder's last known address. ~~((Said))~~ The notice shall enumerate the allegations against ((such)) the holder, and shall give ((him)) the holder the opportunity to request a hearing before the board of electrical examiners. At ((such)) the hearing, the department and the holder ((shall have opportunity to)) may produce witnesses and give testimony. The hearing shall be conducted in accordance with 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. 19. Section 10, chapter 30, Laws of 1980 and RCW 19.28.590 are each amended to read as follows:

The board of electrical examiners shall carry out all the functions and duties enumerated in RCW ~~((19.28.500))~~ 19.28.510 through 19.28.620, as well as generally advise the department on all matters relative to RCW ~~((19.28.500))~~ 19.28.510 through 19.28.620.

Sec. 20. Section 11, chapter 30, Laws of 1980 and RCW 19.28.600 are each amended to read as follows:

The director may promulgate rules, make specific decisions, orders, and rulings, including ~~((therein))~~ demands and findings, and take other necessary action for the implementation and enforcement of ~~((his duties under))~~ RCW ~~((19.28.500))~~ 19.28.510 through 19.28.620 ~~((:PROVIDED, That))~~. In the administration of RCW ((19.28.500)) 19.28.510 through 19.28.620 the ((director)) department shall not enter any controversy arising over

work assignments with respect to the trades involved in the construction industry.

Sec. 21. Section 12, chapter 30, Laws of 1980 and RCW 19.28.610 are each amended to read as follows:

Nothing in RCW (~~(19.28.500)~~) 19.28.510 through 19.28.620 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him: PROVIDED, HOWEVER, That nothing in RCW (~~(19.28.500)~~) 19.28.510 through 19.28.620 shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a (~~(political subdivision of the state)~~) city or town pursuant to RCW 19.28.010(2), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade (of electrical installation): AND PROVIDED FURTHER, That RCW (~~(19.28.500)~~) 19.28.510 through 19.28.620 shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees: AND PROVIDED FURTHER, That nothing in RCW (~~(19.28.500)~~) 19.28.510 through 19.28.620 shall be deemed to apply to the installation or maintenance of communications or electronic circuits, wires and apparatus, or radio or television stations; nor to any electrical utility or its employees, in the installations and maintenance of electrical wiring, circuits, (~~(apparatus)~~) and equipment by or for (~~(such)~~) the utility, or comprising a part of its plants, lines or systems. The licensing provisions of RCW (~~(19.28.500)~~) 19.28.510 through 19.28.620 shall not apply to persons making electrical installations on their own property or to regularly employed employees working on the premises of their employer: AND PROVIDED FURTHER, That nothing in RCW (~~(19.28.500)~~) 19.28.510 through 19.28.620 shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing (~~(such)~~) the electrical installation hold themselves out as engaged in the trade or business of electrical installations. Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journeyman or specialty certificate of competency if they otherwise meet the requirements of this chapter.

Sec. 22. Section 13, chapter 30, Laws of 1980 and RCW 19.28.620 are each amended to read as follows:

(1) It is unlawful for any person, firm, (~~(or)~~) partnership, corporation, or other entity to employ an individual for purposes of RCW (~~(19.28.500)~~) 19.28.510 through 19.28.620 who has not been issued a certificate of competency or a (~~(learning)~~) training certificate. It is unlawful for any individual to maintain or install any electrical equipment (~~(or apparatus)~~) for light, heat, or power without having in his or her possession a certificate of

competency or a (~~learning~~) training certificate under RCW (~~(+19.28.500)~~) 19.28.510 through 19.28.620. Any person, firm, (~~(or)~~) partnership, corporation, or other entity found in violation of RCW (~~(+19.28.500)~~) 19.28.510 through 19.28.620 shall be punished by a fine of not less than fifty dollars. Any equipment (~~(or apparatus)~~) maintained or installed by any person who does not possess a certificate of competency under RCW (~~(+19.28.500)~~) 19.28.510 through 19.28.620 shall not receive (~~(a safe wiring label)~~) an electrical work permit and electrical service shall not be connected or maintained to operate the equipment (~~(or apparatus)~~). Each day that a person, firm, (~~(or)~~) partnership, corporation, or other entity violates the provisions of RCW (~~(+19.28.500)~~) 19.28.510 through 19.28.620 is a separate violation.

(2) A civil penalty shall be collected in a civil action brought by the attorney general or the prosecuting attorney of the county wherein the alleged violation arose at the request of the department if any of the provisions of RCW (~~(+19.28.500)~~) 19.28.510 through 19.28.620 or any rules promulgated under RCW (~~(+19.28.500)~~) 19.28.510 through 19.28.620 are violated.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

(1) Section 12, chapter 169, Laws of 1935, section 63, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.270; and

(2) Section 1, chapter 30, Laws of 1980 and RCW 19.28.500.

NEW SECTION. Sec. 24. 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 22, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 207

[Substitute Senate Bill No. 3087]

### SHARED WORK COMPENSATION PLAN—UNEMPLOYMENT INSURANCE

AN ACT Relating to unemployment insurance; adding a new chapter to Title 50 RCW; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. In order to provide an economic climate conducive to the retention of skilled workers in industries adversely affected by general economic downturns and to supplement depressed buying power of employees affected by such downturns, the legislature finds that the public

interest would be served by the enactment of laws providing greater flexibility in the payment of unemployment compensation benefits in situations where qualified employers elect to retain employees at reduced hours rather than instituting layoffs.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affected unit" means a specified plant, department, shift, or other definable unit consisting of one or more employees, to which an approved shared work compensation plan applies.

(2) "Fringe benefits" include health insurance, retirement benefits under benefit pension plans as defined in section 3(35) of the employee retirement income security act of 1974, paid vacation and holidays, and sick leave, which are incidents of employment in addition to cash remuneration.

(3) "Shared work benefits" means the benefits payable to employees in an affected unit under an approved shared work compensation plan as distinguished from the benefits otherwise payable under this title.

(4) "Shared work compensation plan" means a plan of an employer, or of an employers' association, under which there is a reduction in the number of hours worked by employees rather than temporary layoffs.

(5) "Shared work employer" means an employer, one or more of whose employees are covered by a shared work compensation plan.

(6) "Usual weekly hours of work" means the normal number of hours of work for full-time employees in the affected unit when that unit is operating on a full-time basis, not to exceed forty hours and not including overtime.

(7) "Unemployment compensation" means the benefits payable under this title other than shared work benefits and includes any amounts payable pursuant to an agreement under federal law providing for compensation, assistance, or allowances with respect to unemployment.

(8) "Employers' association" means an association which is a party to a collective bargaining agreement under which there is a shared work compensation plan.

**NEW SECTION.** Sec. 3. An employer or employers' association wishing to participate in a shared work compensation program shall submit a written and signed shared work compensation plan to the commissioner for approval. The commissioner shall approve a shared work compensation plan only if the following criteria are met:

(1) The plan identifies the affected units to which it applies;

(2) An employee in an affected unit are identified by name, social security number, and by any other information required by the commissioner;

(3) The usual weekly hours of work for an employee in an affected unit are reduced by not less than ten percent and not more than fifty percent;

(4) Fringe benefits will continue to be provided on the same basis as before the reduction in work hours. In no event shall the level of health benefits be reduced due to a reduction in hours;

(5) The plan certifies that the aggregate reduction in work hours is in lieu of temporary layoffs which would have affected at least ten percent of the employees in the affected units to which the plan applies and which would have resulted in an equivalent reduction in work hours;

(6) During the previous four months the work force in the affected unit has not been reduced by temporary layoffs of workers of more than ten percent;

(7) The plan applies to at least ten percent of the employees in the affected unit;

(8) The plan is approved in writing by the collective bargaining agent for each collective bargaining agreement covering any employee in the affected unit;

(9) The plan will not subsidize seasonal employers during the off season nor subsidize employers who have traditionally used part-time employees; and

(10) The employer agrees to furnish reports necessary for the proper administration of the plan and to permit access by the commissioner to all records necessary to verify the plan before approval and after approval to evaluate the application of the plan.

In addition to subsections (1) through (10) of this section, the commissioner shall take into account any other factors which may be pertinent.

NEW SECTION. Sec. 4. The commissioner shall approve or reject a shared work compensation plan in writing within fifteen days of its receipt. The reasons for the rejection shall be final and nonappealable, but the rejection shall not prevent an employer from submitting another plan for approval not earlier than fifteen days after the date of a previous written rejection.

NEW SECTION. Sec. 5. If an approved plan or any representation for implementation of the plan is intentionally and substantially misleading or false, any individual who participated in any such misrepresentation shall be subject to criminal prosecution as well as personal liability for any amount of benefits deemed by the commissioner to have been improperly paid from the fund as a result thereof. This provision for personal liability is in addition to any remedy against individual claimants for collection of overpayment of benefits if such claimants participated in or were otherwise at fault in the overpayment.

NEW SECTION. Sec. 6. A shared work compensation plan shall be effective on the date specified in the plan or on the first day of the second calendar week after the date of the commissioner's approval, whichever is later. The plan shall expire at the end of the twelfth full calendar month

after its effective date, or on the date specified in the plan if that date is earlier, unless the plan is revoked before that date by the commissioner. If a plan is revoked by the commissioner, it shall terminate on the date specified in the commissioner's order of revocation.

**NEW SECTION.** Sec. 7. The commissioner may revoke approval of a shared work compensation plan for good cause. The revocation order shall be in writing and shall specify the date the revocation is effective and the reasons for the revocation. Good cause for revocation shall include failure to comply with the assurances given in the plan, unreasonable revision of productivity standards for the affected unit, conduct or occurrences tending to defeat the intent and effective operation of the plan, and violation of the criteria on which approval of the plan was based.

Such action may be initiated at any time by the commissioner on his or her own motion, on the motion of any of the affected unit employees, or on the motion of the appropriate collective bargaining agents. The commissioner shall review each plan at least once within the twelve month period the plan is in effect to assure that it continues to meet the requirements of this chapter.

**NEW SECTION.** Sec. 8. An approved shared work compensation plan in effect may be modified with the approval of the commissioner. If the hours of work are increased or decreased beyond the level in the original plan, or any other condition is changed, the employer shall promptly notify the commissioner. If the changes meet the requirements for approval of a plan, the commissioner shall approve the modifications. This approval shall not change the expiration date of the original plan. If the modifications do not meet the requirements for approval, the commissioner shall revoke the plan as specified in section 6 of this act.

**NEW SECTION.** Sec. 9. An individual is eligible to receive shared work benefits with respect to any week only if, in addition to meeting the conditions of eligibility for other benefits under this title, the commissioner finds that:

(1) The individual was employed during that week as a member of an affected unit under an approved shared work compensation plan which was in effect for that week;

(2) The individual was able to work and was available for additional hours of work and for full-time work with the shared work employer; and

(3) Notwithstanding any other provision of this chapter, an individual is deemed to have been unemployed in any week for which remuneration is payable to him or her as an employee in an affected unit for less than his or her normal weekly hours of work as specified under the approved shared work compensation plan in effect for that week.

**NEW SECTION.** Sec. 10. (!) The shared work weekly benefit amount shall be the product of the regular weekly unemployment compensation

benefit amount multiplied by the percentage of reduction in the individual's usual weekly hours of work;

(2) No individual is eligible in any benefit year for more than the maximum entitlement established for benefits under this title, including benefits under this chapter, nor may an individual be paid shared work benefits for more than a total of twenty-six weeks in any twelve-month period under a shared work compensation plan;

(3) The shared work benefits paid an individual shall be deducted from the total benefit amount established for that individual's benefit year;

(4) Claims for shared work benefits shall be filed in the same manner as claims for other benefits under this title or as prescribed by the commissioner by rule;

(5) Provisions otherwise applicable to unemployment compensation claimants under this title apply to shared work claimants to the extent that they are not inconsistent with this chapter;

(6) (a) If an individual works in the same week for an employer other than the shared work employer and his or her combined hours of work for both employers are equal to or greater than the usual weekly hours of work with the shared work employer, the individual shall not be entitled to benefits under this chapter or title;

(b) If an individual works in the same week for both the shared work employer and another employer and his or her combined hours of work for both employers are less than his or her usual weekly hours of work, the benefit amount payable for that week shall be the weekly unemployment compensation benefit amount reduced by the same percentage that the combined hours are of the usual weekly hours of work. A week for which benefits are paid under this subsection shall count as a week of shared work benefits;

(7) An individual who does not work during a week for the shared work employer, and is otherwise eligible, shall be paid his or her full weekly unemployment compensation benefit amount. Such a week shall not be counted as a week for which shared work benefits were received;

(8) An individual who does not work for the shared work employer during a week but works for another employer, and is otherwise eligible, shall be paid benefits for that week under the partial unemployment compensation provisions of this title. Such a week shall not be counted as a week for which shared work benefits were received.

NEW SECTION. Sec. 11. Shared work benefits shall be charged to employers' experience rating accounts in the same manner as other benefits under this title are charged. Employers liable for payments in lieu of contributions shall have shared work benefits attributed to their accounts in the same manner as other benefits under this title are attributed.

NEW SECTION. Sec. 12. An individual who has received all of the shared work benefits, or all of the combined unemployment compensation

and shared work benefits, available in a benefit year shall be considered an exhaustee for purposes of the extended benefits program under chapter 50.22 RCW, and, if otherwise eligible under that chapter, shall be eligible to receive extended benefits.

NEW SECTION. Sec. 13. Unless inconsistent with or otherwise provided by this section, this title and rules adopted under this title apply to shared work benefits. To the extent permitted by federal law, those rules may make such distinctions and requirements as may be necessary with respect to unemployed individuals to carry out the purposes of this chapter, including rules defining usual hours, days, work week, wages, and the duration of plans adopted under this chapter. To the extent that any portion of this chapter may be inconsistent with the requirements of federal law relating to the payment of unemployment insurance benefits, the conflicting provisions or interpretations of this chapter shall be deemed inoperative, but only to the extent of the conflict. If the commissioner determines that such a conflict exists, a statement to that effect shall be filed with the governor's office for transmission to both houses of the legislature.

NEW SECTION. Sec. 14. The department shall adopt such rules as are necessary to carry out the purposes of this act. The department shall make a report to the legislature by January 1, 1984 which describes the implementation of this act.

NEW SECTION. Sec. 15. Sections 1 through 14 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 16. 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 with the weeks beginning after July 31, 1983.

Passed the Senate April 22, 1983.

Passed the House April 15, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 208

[Engrossed Substitute Senate Bill No. 3088]

### COSMETOLOGY—REVISIONS

AN ACT Relating to cosmetology; amending section 1, chapter 25, Laws of 1974 ex. sess. as last amended by section 1, chapter 225, Laws of 1982 and RCW 18.18.010; amending section 1, chapter 168, Laws of 1953 as amended by section 11, chapter 225, Laws of 1982 and RCW 18.18.102; amending section 7, chapter 180, Laws of 1951 as last amended by section 16, chapter 225, Laws of 1982 and RCW 18.18.140; amending section 11, chapter 52, Laws of 1957 as last amended by section 23, chapter 225, Laws of 1982 and RCW 18.18.260; adding a new section to chapter 18.18 RCW; repealing section 36, chapter 99, Laws of 1979 and RCW 43.131.219; repealing section 78, chapter 99, Laws of 1979 and RCW 43.131.220; repealing section 1, chapter 25, Laws of 1974 ex.



sess., section 14, chapter 158, Laws of 1979, section 1, chapter 242, Laws of 1979 ex. sess., section 1, chapter 225, Laws of 1982, section 1 of this 1983 act and RCW 18.18.010; repealing section 8, chapter 215, Laws of 1937, section 17, chapter 148, Laws of 1973 1st ex. sess., section 15, chapter 158, Laws of 1979, section 2, chapter 225, Laws of 1982 and RCW 18.18.020; repealing section 1, chapter 215, Laws of 1937, section 2, chapter 3, Laws of 1965 ex. sess., section 18, chapter 148, Laws of 1973 1st ex. sess., section 4, chapter 225, Laws of 1982 and RCW 18.18.030; repealing section 18, chapter 215, Laws of 1937, section 19, chapter 148, Laws of 1973 1st ex. sess., section 5, chapter 225, Laws of 1982 and RCW 18.18.040; repealing section 2, chapter 180, Laws of 1951, section 3, chapter 52, Laws of 1957, section 3, chapter 324, Laws of 1959, section 21, chapter 148, Laws of 1973 1st ex. sess., section 6, chapter 225, Laws of 1982 and RCW 18.18.050; repealing section 2, chapter 324, Laws of 1959, section 3, chapter 3, Laws of 1965 ex. sess., section 22, chapter 148, Laws of 1973 1st ex. sess., section 7, chapter 225, Laws of 1982 and RCW 18.18.065; repealing section 4, chapter 180, Laws of 1951, section 5, chapter 52, Laws of 1957, section 4, chapter 3, Laws of 1965 ex. sess., section 6, chapter 283, Laws of 1981, section 8, chapter 225, Laws of 1982 and RCW 18.18.070; repealing section 7, chapter 283, Laws of 1981 and RCW 18.18.075; repealing section 9, chapter 225, Laws of 1982 and RCW 18.18.078; repealing section 3, chapter 225, Laws of 1982 and RCW 18.18.085; repealing section 5, chapter 180, Laws of 1951, section 3, chapter 313, Laws of 1955, section 4, chapter 324, Laws of 1959, section 6, chapter 3, Laws of 1965 ex. sess., section 23, chapter 148, Laws of 1973 1st ex. sess., section 13, chapter 30, Laws of 1975 1st ex. sess., section 2, chapter 242, Laws of 1979 ex. sess. and RCW 18.18.090; repealing section 7, chapter 215, Laws of 1937, section 7, chapter 3, Laws of 1965 ex. sess., section 24, chapter 148, Laws of 1973 1st ex. sess., section 16, chapter 158, Laws of 1979 and RCW 18.18.100; repealing section 1, chapter 168, Laws of 1953, section 11, chapter 225, Laws of 1982, section 3 of this 1983 act and RCW 18.18.102; repealing section 2, chapter 168, Laws of 1953, section 8, chapter 3, Laws of 1965 ex. sess., section 30, chapter 34, Laws of 1975-'76 2nd ex. sess., section 12, chapter 225, Laws of 1982 and RCW 18.18.104; repealing section 3, chapter 168, Laws of 1953 and RCW 18.18.106; repealing section 4, chapter 168, Laws of 1953, section 13, chapter 225, Laws of 1982 and RCW 18.18.108; repealing section 4, chapter 313, Laws of 1955, section 9, chapter 3, Laws of 1965 ex. sess., section 25, chapter 148, Laws of 1973 1st ex. sess., section 14, chapter 225, Laws of 1982 and RCW 18.18.110; repealing section 14, chapter 215, Laws of 1937, section 6, chapter 180, Laws of 1951, section 10, chapter 3, Laws of 1965 ex. sess., section 14, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.120; repealing section 5, chapter 313, Laws of 1955, section 15, chapter 225, Laws of 1982 and RCW 18.18.130; repealing section 7, chapter 180, Laws of 1951, section 6, chapter 313, Laws of 1955, section 5, chapter 324, Laws of 1959, section 11, chapter 3, Laws of 1965 ex. sess., section 3, chapter 266, Laws of 1971 ex. sess., section 27, chapter 148, Laws of 1973 1st ex. sess., section 15, chapter 30, Laws of 1975 1st ex. sess., section 2, chapter 310, Laws of 1977 ex. sess., section 3, chapter 242, Laws of 1979 ex. sess., section 16, chapter 225, Laws of 1982, section 4 of this 1983 act and RCW 18.18.140; repealing section 6, chapter 52, Laws of 1957 and RCW 18.18.150; repealing section 7, chapter 52, Laws of 1957, section 6, chapter 324, Laws of 1959, section 17, chapter 225, Laws of 1982 and RCW 18.18.160; repealing section 8, chapter 52, Laws of 1957, section 7, chapter 324, Laws of 1959, section 18, chapter 225, Laws of 1982 and RCW 18.18.170; repealing section 6, chapter 215, Laws of 1937 and RCW 18.18.180; repealing section 8, chapter 180, Laws of 1951, section 9, chapter 52, Laws of 1957, section 12, chapter 3, Laws of 1965 ex. sess., section 26, chapter 148, Laws of 1973 1st ex. sess., section 19, chapter 225, Laws of 1982 and RCW 18.18.190; repealing section 4, chapter 215, Laws of 1937, section 20, chapter 225, Laws of 1982 and RCW 18.18.200; repealing section 9, chapter 180, Laws of 1951, section 10, chapter 52, Laws of 1957, section 13, chapter 3, Laws of 1965 ex. sess., section 21, chapter 225, Laws of 1982 and RCW 18.18.210; repealing section 15, chapter 215, Laws of 1937, section 8, chapter 324, Laws of 1959, section 28, chapter 148, Laws of 1973 1st ex. sess., section 22, chapter 225, Laws of 1982 and RCW 18.18.220; repealing section 16, chapter 215, Laws of 1937, section 15, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.230; repealing section 14, chapter 3, Laws of 1965 ex. sess., section 31, chapter 34, Laws of 1975-'76 2nd ex. sess., section 9, chapter 75, Laws of 1977 and RCW 18.18.251; repealing section 11, chapter 52, Laws of 1957, section 9, chapter 324, Laws of 1959, section 17, chapter 3, Laws of 1965 ex. sess., section 29, chapter 148, Laws of 1973 1st ex. sess., section 1, chapter 310, Laws of 1977 ex. sess.,

section 4, chapter 242, Laws of 1979 ex. sess., section 23, chapter 225, Laws of 1982, section 5 of this 1983 act and RCW 18.18.260; repealing section 12, chapter 52, Laws of 1957, section 30, chapter 148, Laws of 1973 1st ex. sess., section 24, chapter 225, Laws of 1982 and RCW 18.18.270; repealing section 5, chapter 242, Laws of 1979 ex. sess. and RCW 18.18.275; repealing section 16, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.290; repealing section 20, chapter 148, Laws of 1973 1st ex. sess., section 17, chapter 158, Laws of 1979, section 25, chapter 225, Laws of 1982 and RCW 18.18.300; repealing section 19, chapter 215, Laws of 1937 and RCW 18.18.900; repealing section 20, chapter 215, Laws of 1937 and RCW 18.18.910; repealing section 1 of this 1983 act and RCW 18.18....; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. The department shall conduct a study on the level of regulation required within the cosmetology and barbering industries to protect the public. In conducting this study, the department shall also consider:

- (1) The feasibility of combining the practice of barbering and cosmetology;
- (2) The minimum education and training qualifications required to practice safely; and
- (3) The feasibility of an apprenticeship program.

The department shall meet with all interested parties in the cosmetology and barbering industries, as well as consider the concerns of the general public and the needs of consumers. The department shall report to the legislature no later than January, 1984, and prepare proposed legislation to implement its findings.

Sec. 2. Section 1, chapter 25, Laws of 1974 ex. sess. as last amended by section 1, chapter 225, Laws of 1982 and RCW 18.18.010 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) "Practice of cosmetology" or "cosmetology" means the arranging, dressing, curling, waving, permanent waving, chemical relaxing or straightening, bleaching, or coloring of the hair, skin care, dressing of wigs and hair pieces on or off the head, or doing similar work thereon by use of the hands or any method of mechanical application or appliances, the practice of haircutting, the massaging, cleansing, stimulating, manipulating, exercising, or beautifying of the scalp, face, arms, or upper part of the body, or doing similar work thereon with the hands or with any mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptic tonics, lotions, creams, or similar preparations or compounds, and manicuring the nails, application and removal of artificial nails, pedicuring, removing superfluous hair by means of lotions, creams, or mechanical or electrical apparatus or appliances on another person;

(2) "Cosmetologist" means any person who engages in the practice of cosmetology;

(3) "Practice of manicuring" includes the manicuring of nails of the hands, pedicuring as applied to feet, application and removal of artificial nails, also the administration of facials, massage, facial make-up, or skin care by the use of hands and appliances;

(4) "Manicurist manager operator" means any person who engages in the practice of manicuring;

(5) A "student" is any person who ~~((has graduated from an accredited high school, or has an equivalent education as determined by the director whose determination shall be conclusive, who attends a duly licensed cosmetology school, who receives any phase of cosmetology instruction with or without tuition, fee, or cost, and who does not receive any wage or commission))~~ attends a duly licensed cosmetology school and receives any phase of cosmetology instruction with or without tuition, fee, or cost and who does not receive any wage or commission and submits proof of graduation from an accredited high school or a certificate of educational competence or an equivalent education as determined by the director whose determination shall be conclusive upon application for examination for a cosmetologist license;

(6) A "manager operator" is any person of the age of eighteen years or over, who has been licensed by the state of Washington to practice cosmetology;

(7) A "shop" is any building or structure, or any part thereof, other than a school, wherein the practice of cosmetology, barbering, men's hair-styling, or manicuring is conducted;

(8) A "manicurist shop" is any building or structure, or any part thereof, other than a school, where ~~((only))~~ the practice of manicuring is conducted;

(9) A "school" is an institution of learning devoted exclusively to the instruction and training of students, special students, cadet instructors, instructor operators, licensed cosmetologists, postgraduate cosmetologists, manicurists, or manicuring students in all or specific phases of cosmetology, or in the practice of teaching all or specific phases of cosmetology;

(10) An "instructor operator" is a person who gives instruction in the practice of cosmetology in a school and who has the same qualifications and privileges of a manager operator and who has completed a course of instruction approved by the examining committee of five hundred hours as a cadet instructor in a duly licensed cosmetology school and who has passed the state instructor examination: PROVIDED, That the provisions of this subdivision do not apply to any person licensed as an instructor operator on June 10, 1982. Any applicant properly licensed as a manager operator who applies for an instructor operator license, who can show equivalent or substantially equivalent credentials to the five hundred hour cadet instructor curriculum, is exempt from that licensing requisite, but may be required to pass the instructor operators examination as determined by the director.

Any applicant who holds a degree in education from an accredited post-secondary institution shall be issued an instructor operator license without examination if the applicant meets the requirements of a manager operator. An instructor operator may not perform in a cosmetology school, cosmetology services for members of the public except for instructional purposes;

(11) "Director" means the director of licensing;

(12) "Committee" means the cosmetology examining committee;

(13) "Board" means the hearing board;

(14) "Special student" is a person who has academically completed the eleventh grade of high school, who in cooperation with any senior high, vocational technical institute, or prep school, attends a cosmetology school and participates in its student course of instruction and has the same rights and duties as a student as defined in this chapter. The school shall have relatively corresponding rights and responsibilities, and every such special student shall receive credit for all hours of instruction received in the school of cosmetology program upon graduation from high school. ~~((No hours may be credited to any such special student unless he or she graduates from high school))~~ Hours shall be credited to a special student provided the student graduates from an accredited high school or receives a certificate of educational competence prior to applying for the cosmetology license examination;

(15) "Manicuring student" is any person who has graduated from an accredited high school, or has an equivalent education as determined by the director whose determination shall be conclusive, or who is enrolled as a special student, who attends a duly licensed cosmetology school for a five hundred hour course of instruction, who receives training in manicuring, facials, skin care, and pedicuring with or without tuition, fee, or cost, and who does not receive any wage or commission;

(16) "Postgraduate cosmetologist" is any cosmetologist licensed by any state or country who is enrolled in a duly licensed cosmetology school, who is registered with the department of licensing, who receives any phase of cosmetology instruction with or without tuition, fee, or cost and who does not receive any wage or commission;

(17) A "cadet instructor" is a person registered with the department of licensing who receives training in teaching techniques and lesson planning in a duly licensed cosmetology school for a period of five hundred hours, with or without compensation or fee, who has the same qualifications as a manager operator. A cadet instructor may not perform in a cosmetology school, cosmetology services for members of the public except for instructional purposes;

(18) "Department" means the department of licensing.

Sec. 3. Section 1, chapter 168, Laws of 1953 as amended by section 11, chapter 225, Laws of 1982 and RCW 18.18.102 are each amended to read as follows:

The examining committee described in RCW 18.18.100, as now or hereafter amended, shall consist of five members appointed by the ((governor)) director. The ((governor)) director shall designate one of the committee members as chairman of the committee. The terms of the members shall be for five years and until their successors are appointed and qualified. The examining committee shall be under the direct supervision of the director. The ((governor)) director may remove a member of the committee for cause. The ((governor)) director shall fill any vacancy on the committee within ninety days after it occurs by an appointment for the remainder of the unexpired term. No member may serve more than two full terms.

The director shall appoint one staff person from the department to act as executive secretary for the examining committee. The executive secretary shall not have a vote on the examining committee.

The director may, when considered necessary, appoint no more than two alternate members meeting the qualifications set forth in RCW 18.18.100 to perform the examination functions and responsibilities of regularly appointed members if because of unavoidable circumstances the regularly appointed member is unable to attend and participate in a scheduled examination.

The director may, when considered necessary, appoint no more than two alternate members meeting the qualifications set forth in RCW 18.18.100, as now or hereafter amended, to perform the examination functions and responsibilities of regularly appointed members if because of unavoidable circumstances the regularly appointed member is unable to attend and participate in a scheduled examination.

Sec. 4. Section 7, chapter 180, Laws of 1951 as last amended by section 16, chapter 225, Laws of 1982 and RCW 18.18.140 are each amended to read as follows:

Licenses issued to shops or schools 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. After the effective date of this 1983 act, the department shall issue new licenses or renew licenses to manager operators, manicurist manager operators, or instructor operators for a three-year period.

On or after the expiration date of a cosmetology operator license previously issued by the director, the license may be converted and renewed to a cosmetology manager operator license upon payment of the required license renewal fee and any applicable lapsed license or late renewal penalty fees as determined by the director. A manicurist license previously issued by the director may be converted to a manicurist manager operator license upon payment of the required license renewal fee and any applicable lapsed license or late renewal penalty fees as determined by the director. A person whose license has lapsed for more than three years shall be reexamined as in

the case of any applicant for an original cosmetology manager operator license or manicurist manager operator license.

Licenses issued to manager operators, manicurist manager operators, or instructor operators may be renewed from year to year upon payment, on or before the individual's birth anniversary date of each year following license issuance, of a renewal fee determined by the director as provided in RCW 43.24.085 as now existing or hereafter amended.

Any licensee 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 manicurist manager operator, manager operator, or instructor operator whose license has lapsed for more than three years shall be reexamined, as in the case of any applicant for an original license.

Sec. 5. Section 11, chapter 52, Laws of 1957 as last amended by section 23, chapter 225, Laws of 1982 and RCW 18.18.260 are each amended to read as follows:

~~((No person may engage in the practice of cosmetology in any place other than a licensed cosmetology shop or school, except in case of the practice of manicuring in a manicurist shop or in case of his or her own family or in case of a customer whose physical condition prevents his or her presence at a shop or school.))~~

No person may use for residential purposes any room that is used wholly or in part as a cosmetology school or shop or manicurist shop, except that these restrictions shall not apply to toilet facilities which may be used jointly for residential and business purposes.

Every cosmetology shop or school or manicurist shop shall maintain an outside entrance separate from the entrances to rooms used for sleeping or residential purposes.

Every cosmetology shop or school or manicurist shop shall provide and maintain for the use of the customers adequate toilet facilities located within the shop or school or adjacent thereto.

No cosmetology shop may be operated unless it is under the direct supervision of a licensed manager operator or instructor operator.

No manicurist shop shall be operated unless it is under the direct supervision of a licensed manicurist manager operator.

No person other than an individual licensed under this chapter in demonstrating or instructing in the use of any cosmetics or supplies of any kind, may engage in any of the acts enumerated in RCW 18.18.010 as now or hereafter amended.

No student may engage in the practice of cosmetology or manicuring except in a licensed cosmetology school under the direct supervision of a licensed instructor operator.

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

- (1) Section 36, chapter 99, Laws of 1979 and RCW 43.131.219; and
- (2) Section 78, chapter 99, Laws of 1979 and RCW 43.131.220.

NEW SECTION. Sec. 7. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 25, Laws of 1974 ex. sess., section 14, chapter 158, Laws of 1979, section 1, chapter 242, Laws of 1979 ex. sess., section 1, chapter 225, Laws of 1982, section 2 of this 1983 act and RCW 18.18.010;

(2) Section 8, chapter 215, Laws of 1937, section 17, chapter 148, Laws of 1973 1st ex. sess., section 15, chapter 158, Laws of 1979, section 2, chapter 225, Laws of 1982 and RCW 18.18.020;

(3) Section 1, chapter 215, Laws of 1937, section 2, chapter 3, Laws of 1965 ex. sess., section 18, chapter 148, Laws of 1973 1st ex. sess., section 4, chapter 225, Laws of 1982 and RCW 18.18.030;

(4) Section 18, chapter 215, Laws of 1937, section 19, chapter 148, Laws of 1973 1st ex. sess., section 5, chapter 225, Laws of 1982 and RCW 18.18.040;

(5) Section 2, chapter 180, Laws of 1951, section 3, chapter 52, Laws of 1957, section 3, chapter 324, Laws of 1959, section 21, chapter 148, Laws of 1973 1st ex. sess., section 6, chapter 225, Laws of 1982 and RCW 18.18.050;

(6) Section 2, chapter 324, Laws of 1959, section 3, chapter 3, Laws of 1965 ex. sess., section 22, chapter 148, Laws of 1973 1st ex. sess., section 7, chapter 225, Laws of 1982 and RCW 18.18.065;

(7) Section 4, chapter 180, Laws of 1951, section 5, chapter 52, Laws of 1957, section 4, chapter 3, Laws of 1965 ex. sess., section 6, chapter 283, Laws of 1981, section 8, chapter 225, Laws of 1982 and RCW 18.18.070;

(8) Section 7, chapter 283, Laws of 1981 and RCW 18.18.075;

(9) Section 9, chapter 225, Laws of 1982 and RCW 18.18.078;

(10) Section 3, chapter 225, Laws of 1982 and RCW 18.18.085;

(11) Section 5, chapter 180, Laws of 1951, section 3, chapter 313, Laws of 1955, section 4, chapter 324, Laws of 1959, section 6, chapter 3, Laws of 1965 ex. sess., section 23, chapter 148, Laws of 1973 1st ex. sess., section 13, chapter 30, Laws of 1975 1st ex. sess., section 2, chapter 242, Laws of 1979 ex. sess. and RCW 18.18.090;

(12) Section 7, chapter 215, Laws of 1937, section 7, chapter 3, Laws of 1965 ex. sess., section 24, chapter 148, Laws of 1973 1st ex. sess., section 16, chapter 158, Laws of 1979 and RCW 18.18.100;

(13) Section 1, chapter 168, Laws of 1953, section 11, chapter 225, Laws of 1982, section 3 of this 1983 act and RCW 18.18.102;

(14) Section 2, chapter 168, Laws of 1953, section 8, chapter 3, Laws of 1965 ex. sess., section 30, chapter 34, Laws of 1975-'76 2nd ex. sess., section 12, chapter 225, Laws of 1982 and RCW 18.18.104;

- (15) Section 3, chapter 168, Laws of 1953 and RCW 18.18.106;
- (16) Section 4, chapter 168, Laws of 1953, section 13, chapter 225, Laws of 1982 and RCW 18.18.108;
- (17) Section 4, chapter 313, Laws of 1955, section 9, chapter 3, Laws of 1965 ex. sess., section 25, chapter 148, Laws of 1973 1st ex. sess., section 14, chapter 225, Laws of 1982 and RCW 18.18.110;
- (18) Section 14, chapter 215, Laws of 1937, section 6, chapter 180, Laws of 1951, section 10, chapter 3, Laws of 1965 ex. sess., section 14, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.120;
- (19) Section 5, chapter 313, Laws of 1955, section 15, chapter 225, Laws of 1982 and RCW 18.18.130;
- (20) Section 7, chapter 180, Laws of 1951, section 6, chapter 313, Laws of 1955, section 5, chapter 324, Laws of 1959, section 11, chapter 3, Laws of 1965 ex. sess., section 3, chapter 266, Laws of 1971 ex. sess., section 27, chapter 148, Laws of 1973 1st ex. sess., section 15, chapter 30, Laws of 1975 1st ex. sess., section 2, chapter 310, Laws of 1977 ex. sess., section 3, chapter 242, Laws of 1979 ex. sess., section 16, chapter 225, Laws of 1982, section 4 of this 1983 act and RCW 18.18.140;
- (21) Section 6, chapter 52, Laws of 1957 and RCW 18.18.150;
- (22) Section 7, chapter 52, Laws of 1957, section 6, chapter 324, Laws of 1959, section 17, chapter 225, Laws of 1982 and RCW 18.18.160;
- (23) Section 8, chapter 52, Laws of 1957, section 7, chapter 324, Laws of 1959, section 18, chapter 225, Laws of 1982 and RCW 18.18.170;
- (24) Section 6, chapter 215, Laws of 1937 and RCW 18.18.180;
- (25) Section 8, chapter 180, Laws of 1951, section 9, chapter 52, Laws of 1957, section 12, chapter 3, Laws of 1965 ex. sess., section 26, chapter 148, Laws of 1973 1st ex. sess., section 19, chapter 225, Laws of 1982 and RCW 18.18.190;
- (26) Section 4, chapter 215, Laws of 1937, section 20, chapter 225, Laws of 1982 and RCW 18.18.200;
- (27) Section 9, chapter 180, Laws of 1951, section 10, chapter 52, Laws of 1957, section 13, chapter 3, Laws of 1965 ex. sess., section 21, chapter 225, Laws of 1982 and RCW 18.18.210;
- (28) Section 15, chapter 215, Laws of 1937, section 8, chapter 324, Laws of 1959, section 28, chapter 148, Laws of 1973 1st ex. sess., section 22, chapter 225, Laws of 1982 and RCW 18.18.220;
- (29) Section 16, chapter 215, Laws of 1937, section 15, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.230;
- (30) Section 14, chapter 3, Laws of 1965 ex. sess., section 31, chapter 34, Laws of 1975-'76 2nd ex. sess., section 9, chapter 75, Laws of 1977 and RCW 18.18.251;
- (31) Section 11, chapter 52, Laws of 1957, section 9, chapter 324, Laws of 1959, section 17, chapter 3, Laws of 1965 ex. sess., section 29, chapter 148, Laws of 1973 1st ex. sess., section 1, chapter 310, Laws of 1977 ex.



sess., section 4, chapter 242, Laws of 1979 ex. sess., section 23, chapter 225, Laws of 1982, section 5 of this 1983 act and RCW 18.18.260;

(32) Section 12, chapter 52, Laws of 1957, section 30, chapter 148, Laws of 1973 1st ex. sess., section 24, chapter 225, Laws of 1982 and RCW 18.18.270;

(33) Section 5, chapter 242, Laws of 1979 ex. sess. and RCW 18.18.275;

(34) Section 16, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.290;

(35) Section 20, chapter 148, Laws of 1973 1st ex. sess., section 17, chapter 158, Laws of 1979, section 25, chapter 225, Laws of 1982 and RCW 18.18.300;

(36) Section 19, chapter 215, Laws of 1937 and RCW 18.18.900;

(37) Section 20, chapter 215, Laws of 1937 and RCW 18.18.910; and

(38) Section 1 of this 1983 act and RCW 18.18.....

**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.

**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.

Passed the Senate April 22, 1983.

Passed the House April 14, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 209

[Senate Bill No. 3123]

### TRAFFIC INFRACTIONS—HABITUAL OFFENDER TRANSCRIPTS OR ABSTRACTS

AN ACT Relating to motor vehicles; and amending section 5, chapter 284, Laws of 1971 ex. sess. as last amended by section 95, chapter 136, Laws of 1979 ex. sess. and RCW 46.65.030.

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

Sec. 1. Section 5, chapter 284, Laws of 1971 ex. sess. as last amended by section 95, chapter 136, Laws of 1979 ex. sess. and RCW 46.65.030 are each amended to read as follows:

The director of the department of licensing shall certify ((three)) a transcript((s)) or abstract((s)) of the record of convictions and findings of

traffic infractions as maintained by the department of licensing of any person whose record brings him or her within the definition of an habitual offender, as defined in RCW 46.65.020, to the hearing officer appointed in the event a hearing is requested. Such transcript or abstract may be admitted as evidence in any hearing or court proceeding and shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense shown by such transcript or abstract; and if such person (~~shall deny~~) denies any of the facts as stated therein, he or she shall have the burden of proving that such fact is untrue.

Passed the Senate March 17, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 210

[Substitute Senate Bill No. 3124]

### HEALTH CARE FACILITIES AUTHORITY—MEMBERSHIP—DUTIES

AN ACT Relating to Washington health care facilities authority; amending section 3, chapter 147, Laws of 1974 ex. sess. as amended by section 157, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70.37.030; amending section 5, chapter 147, Laws of 1974 ex. sess. as amended by section 1, chapter 121, Laws of 1981 and RCW 70.37.050; amending section 2, chapter 147, Laws of 1974 ex. sess. and RCW 70.37.020; and declaring an emergency.

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

Sec. 1. Section 3, chapter 147, Laws of 1974 ex. sess. as amended by section 157, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70.37-.030 are each amended to read as follows:

There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington health care facilities authority. The authority shall constitute a political subdivision of the state established as an instrumentality exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010, as now or hereafter amended. The authority shall consist of the governor who shall serve as chairman, the lieutenant governor, the insurance commissioner, the chairman of the Washington state hospital commission, and one member of the public who shall be appointed by the governor, subject to confirmation by the senate, (~~for terms of four years each~~) on the basis of (~~their~~) the member's interest or expertise in health care delivery, (~~the first appointees to be appointed for terms expiring on the second and fourth March 1st, respectively, following enactment of this chapter~~) for a term expiring on the fourth anniversary of the date of appointment. In the event that any of the offices referred to shall be abolished the resulting vacancy on the authority shall be filled by the officer who shall

succeed substantially to the powers and duties thereof. The members of the authority shall serve without compensation, but shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. A majority shall constitute a quorum.

The governor may designate an employee of the governor's office to act on behalf of the governor during the absence of the governor at one or more of the meetings of the authority. The vote of the designee shall have the same effect as if cast by the governor if the designation is in writing and is presented to the person presiding at the meetings included within the designation.

The governor may designate a member to preside during the governor's absence.

Sec. 2. Section 5, chapter 147, Laws of 1974 ex. sess. as amended by section 1, chapter 121, Laws of 1981 and RCW 70.37.050 are each amended to read as follows:

The authority shall establish rules concerning its exercise of the powers authorized by this chapter. The authority shall receive from applicants requests for the providing of bonds for financing of health care facilities and shall investigate and determine the need and the feasibility of providing such bonds. Whenever the authority deems it necessary or advisable for the benefit of the public health to provide financing for a health care facility, it shall adopt a ~~((system and))~~ financing plan therefor and shall declare the estimated cost thereof, as near as may be, including as part of such cost funds necessary for the expenses incurred in the financing as well as in the construction or purchase or other acquisition or in connection with the rental or other payment for the use thereof, interest during construction, reserve funds and any funds necessary for initial start-up costs, and shall issue and sell its bonds for the purposes of carrying out the proposed financing plan ~~((or system))~~: PROVIDED, That if a certificate of need is required for the proposed project, no such financing plan ~~((and system))~~ shall be adopted until such certificate has been issued pursuant to chapter 70.38 RCW by the secretary of the department of social and health services. The authority shall have power as a part of such ~~((system or))~~ plan to create a special fund or funds for the purpose of defraying the cost of such project and for other projects of the same participant subsequently or at the same time approved by it and for their maintenance, improvement, reconstruction, remodeling and rehabilitation, into which special fund or funds it shall obligate and bind the participant to set aside and pay from the gross revenues of the project or from other sources an amount sufficient to pay the principal and interest of the bonds being issued, reserves and other requirements of the special fund and to issue and sell bonds payable as to both

principal and interest out of such fund or funds relating to the project or projects of such participant.

Such bonds shall bear such date or dates, mature at such time or times, be in such denominations, be in such form, either coupon or registered, or both, carry such registration privileges, be made transferable, exchangeable, and interchangeable, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, bear such fixed or variable rate or rates of interest, and be sold in such manner, at such price, as the authority shall determine. Such bonds shall be executed by the chairman, by either its duly elected secretary or its executive director, and by the trustee if the authority determines to utilize a trustee for the bonds. Execution of the bonds may be by manual or facsimile signature: PROVIDED, That at least one signature placed thereon shall be manually subscribed. Any interest coupons appurtenant to the bonds shall be executed by facsimile or manual signature or signatures, as the authority shall determine.

Sec. 3. Section 2, chapter 147, Laws of 1974 ex. sess. and RCW 70.37-.020 are each amended to read as follows:

As used in this chapter, the following words and terms have the following meanings, unless the context indicates or requires another or different meaning or intent and the singular of any term shall encompass the plural and the plural the singular unless the context indicates otherwise:

(1) "Authority" means the Washington health care facilities authority created by RCW 70.37.030 or any board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers conferred upon the authority shall be given by law.

(2) "Bonds" mean bonds, notes or other evidences of indebtedness of the authority issued pursuant hereto.

(3) "Health care facility" means any land, structure, system, machinery, equipment or other real or personal property or appurtenances useful for or associated with delivery of inpatient or outpatient health care service or support for such care or any combination thereof which is operated or undertaken in connection with hospital, clinic, health maintenance organization, diagnostic or treatment center, extended care facility, or any facility providing or designed to provide therapeutic, convalescent or preventive health care services, excluding, however, any facility which is maintained by a participant primarily for rental or lease to self-employed health care professionals or as an independent nursing home or other facility primarily offering domiciliary care.

(4) "Participant" means any city, county or other municipal corporation or agency or political subdivision of the state or any corporation, hospital, or health maintenance organization authorized by law to operate nonprofit health care facilities, or any affiliate, as defined by regulations promulgated by the director of the department of licensing pursuant to RCW 21.20.450,

which is a nonprofit corporation acting for the benefit of any entity described in this subsection .

(5) "Project" means a specific health care facility or any combination of health care facilities, constructed, purchased, acquired, leased, used, owned or operated by a participant, and alterations, additions to, renovations, enlargements, betterments and reconstructions thereof.

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 22, 1983.

Passed the House April 12, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 211

[Substitute Senate Bill No. 3127]

### INDUSTRIAL INSURANCE—DISTRIBUTION OF AWARD OR SETTLEMENT RECOVERED BY SELF-INSURER OR DEPARTMENT OF LABOR AND INDUSTRIES

AN ACT Relating to industrial insurance; amending section 3, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.050; amending section 4, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.060; and creating a new section.

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

Sec. 1. Section 3, chapter 85, Laws of 1977 ex. sess. and RCW 51.24-.050 are each amended 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)) shall be distributed as follows:

(a) The department or self-insurer shall be paid the expenses incurred in making the recovery including reasonable costs of legal services; ((and))

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the award or settlement, which shall not be subject to subsection (3) of this section: 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 compensation and benefits paid to or on behalf of the injured worker or beneficiary by the department or self-insurer; and

(d) The injured worker or beneficiary shall be paid any remaining balance.

(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.

(4) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party claim has been included to reflect that portion of the award or settlement which is reimbursed for compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation or benefits to which the injured worker or beneficiary may be entitled.

Sec. 2. Section 4, chapter 85, Laws of 1977 ex. sess. and RCW 51.24-.060 are each amended 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 proportionately by the worker or beneficiary and the department or self-insurer;

(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;

(i) The department and/or self-insurer shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the claimant to the extent of the benefits paid or payable under this title.

(ii) The sum representing the department's and/or self-insurer's proportionate share shall not be subject to subsection (1) (d) and (e) of this section.

(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.

(3) The department or self-insurer has sole discretion to compromise the amount of its lien.

(4) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party claim has been included to reflect that portion of the award or settlement which is reimbursed for compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation or benefits to which the injured worker or beneficiary may be entitled.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act apply to all actions against third persons in which judgment or settlement of the underlying action has not taken place prior to the effective date of this act.

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 Senate April 22, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 212

[Engrossed Senate Bill No. 3134]

### SPECIAL FUELS ANNUAL LICENSE FEE—FORMULA MODIFICATION

AN ACT Relating to special fuels; amending section 1, chapter 335, Laws of 1977 ex. sess. as last amended by section 1, chapter 129, Laws of 1981 and RCW 82.38.075; adding a new section to chapter 44.40 RCW; and declaring an emergency.

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

Sec. 1. Section 1, chapter 335, Laws of 1977 ex. sess. as last amended by section 1, chapter 129, Laws of 1981 and RCW 82.38.075 are each amended to read as follows:

In order to encourage the use of nonpolluting fuels(~~(, until July 1, 1983)~~), 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)~~) which shall be based upon the following schedule as adjusted by the formula set out below:

VEHICLE TONNAGE (GVW)	FEE
0 - 6,000	\$ 45
6,001 - 10,000	\$ 45
10,001 - 18,000	\$ 80
18,001 - 28,000	\$110
28,001 - 36,000	\$150
36,001 and above	\$250

To determine the actual annual license fee imposed by this section for a registration year, the appropriate dollar amount set out in the above schedule shall be multiplied by the motor vehicle fuel tax rate in cents per gallon as established by RCW 82.36.025 effective on July 1st of the preceding calendar year and the product thereof shall be divided by 12 cents.

The department of licensing, 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 licensing 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.

A decal or other identifying device issued upon payment of these annual fees shall be displayed as prescribed by the department as authority to purchase this fuel.

Persons selling or dispensing natural gas or propane may not sell or dispense this fuel for their own use or the use of others into tanks of vehicles powered by this fuel which do not display a valid decal or other identifying device as provided in this section.

Vehicles registered in jurisdictions outside the state of Washington are exempt from this section.

Any person selling or dispensing natural gas or propane into the tank of a motor vehicle powered by this fuel, except as prescribed in this chapter, is subject to the penalty provisions of this chapter.

NEW SECTION. Sec. 2. There is added to chapter 44.40 RCW a new section to read as follows:

Prior to the start of each regular legislative session in an odd-numbered year, the legislative transportation committee shall review the policy of the state concerning fees imposed on non-polluting fuels under RCW 82.38-.075, and shall report its findings and recommendations for change, if any, to the legislature.

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 April 22, 1983.

Passed the House April 13, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 213

[Senate Bill No. 3142]

### PUBLIC TREASURERS—FINANCIAL DISCLOSURE AND REPORTING

AN ACT Relating to financial disclosures of public treasurers; and amending section 10, chapter 112, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 102, Laws of 1981 and RCW 42.17.245.

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

Sec. 1. Section 10, chapter 112, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 102, Laws of 1981 and RCW 42.17.245 are each amended to read as follows:

~~((On or after July 1st but before August 1st))~~ After January 1st and before April 15th of each calendar year, the state treasurer, each county, public utility district, and port district treasurer, and each treasurer of an incorporated city or town whose population exceeds one thousand shall file with the commission:

(1) A statement under oath that no public funds under that treasurer's control were invested in any institution where the treasurer or, in the case of a county, a member of the county finance committee, held during the reporting period an office, directorship, partnership interest, or ownership interest; or

(2) A report disclosing for the previous ~~((twelve months ending June 30: (†)))~~ calendar year: (a) The name and address of each financial institution in which the treasurer or, in the case of a county, a member of the county finance committee, held during the reporting period an office, directorship, partnership interest, or ownership interest which holds or has held during the reporting period public accounts of the governmental ~~((entities))~~ entity for which the treasurer is responsible; ~~((†2))~~ (b) the aggregate sum of time and demand deposits held in each such financial institution on ~~((June 30))~~ December 31; and ~~((†3))~~ (c) the highest balance held at any time during such reporting period: PROVIDED, That the state treasurer shall disclose the highest balance information only upon request under RCW 42.17.250 through 42.17.330. The statement or report required by this section shall be

filed either with the statement required under RCW 42.17.240 or separately.

Passed the Senate April 22, 1983.

Passed the House April 16, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

## CHAPTER 214

[Substitute Senate Bill No. 3166]

### NOTARY PUBLIC FEES

AN ACT Relating to fees of notaries public; and amending section 1, chapter 56, Laws of 1907 as last amended by section 4, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.090.

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

Sec. 1. Section 1, chapter 56, Laws of 1907 as last amended by section 4, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.090 are each amended to read as follows:

Notaries public may make but not exceed the following charges for their services:

Protest of a bill of exchange or promissory note, ~~((one))~~ three dollars;

Attesting any instrument of writing with or without seal or stamp, ~~((one))~~ three dollars;

Taking acknowledgment, two persons, with seal or stamp, ~~((one))~~ three dollars;

Taking acknowledgment, each person over two, ~~((fifty cents))~~ two dollars;

Certifying affidavit, with or without seal or stamp, ~~((one))~~ three dollars;

Registering protest of bill of exchange or promissory note for nonacceptance or nonpayment, ~~((fifty cents))~~ two dollars;

Being present at demand, tender, or deposit, and noting the same, besides mileage at the rate of ~~((ten))~~ twenty-five cents per mile, ~~((fifty cents))~~ two dollars;

Noting a bill of exchange or promissory note, for nonacceptance or nonpayment, ~~((fifty cents;))~~ two dollars.

~~((For copying any instrument or record, per folio, besides certificate and seal or stamp, fifteen cents.))~~

All public officers who are paid a salary in lieu of fees shall collect the prescribed fees for the use of the state or county as the case may be.

Passed the Senate February 25, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.