

1967  
SESSION LAWS  
OF THE  
STATE OF WASHINGTON

---

REGULAR SESSION, FORTIETH LEGISLATURE  
Convened January 9, 1967. Adjourned March 9, 1967.

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VOLUME NO. 1  
ALL LAWS OF THE 1967 REGULAR SESSION



Compiled in Chapters by  
A. LUDLOW KRAMER  
Secretary of State

MARGINAL NOTES AND INDEX

By  
RICHARD O. WHITE  
Code Reviser

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Published by Authority

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## Preface

The Fortieth Session of the State of Washington Legislature convened at 12 o'clock noon, January 9, 1967 (being the second Monday in January of the odd-numbered year), and adjourned *sine die* March 9, 1967.

All acts passed by the Regular Session, either approved by the Governor or allowed to become law without his signature, took effect ninety days after adjournment. The effective date fell this year on June 8, 1967 (**midnight**, June 7), except relief bills, appropriations and other acts in which emergencies have been declared, or acts in which the effective date has been postponed.



A. LUDLOW KRAMER  
Secretary of State

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LAWS OF WASHINGTON  
PASSED AT THE  
FORTIETH REGULAR SESSION  
1967

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CHAPTER 1.

[Initiative Measure No. 229.]

REPEALING SUNDAY ACTIVITIES BLUE LAW.

AN ACT repealing an existing statute\* which declares it to be a crime (misdemeanor) for any person, on the first day of the week (Sunday) to promote any noisy or boisterous sport or amusement; conduct or carry on all but certain designated trades or manufacturing activities; or open any drinking saloon; or sell or offer for sale any except certain designated items of personal property.

\*Section 242, chapter 249, Laws of 1909, codified as RCW 9.76.010.

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

Section 1. That RCW 9.76.010 (Session Laws Repeal. 1909, ch. 242 p. 963) which provides that "Every person who, on the first day of the week, shall promote any noisy or boisterous sport or amusement, disturbing the peace of the day; or who shall conduct or carry on, or perform or employ any labor about any trade or manufacture, except livery stables, garages and works of necessity or charity conducted in an orderly manner so as not to interfere with the repose and religious liberty of the community; or shall open any drinking saloon, or sell, offer or expose for sale, any personal property, shall be guilty of a misdemeanor: *Provided*, That meals, without intoxicating liquors, may be served on the premises or elsewhere by caterers, and prepared tobacco, milk, fruit, confectionery, newspapers, magazines, medical and surgical appliances may be sold

in a quiet and orderly manner. In works of necessity or charity is included whatever is needful during the day for the good order or health or comfort of a community; but keeping open a barber shop, shaving or cutting hair shall not be deemed a work of necessity or charity, and nothing in this section shall be construed to permit the sale of uncooked meats, groceries, clothing, boots or shoes." be repealed.

Effective date. Sec. 2. The effective date of this Act shall be December 9, 1966.

Filed in the office of the Secretary of State February 17, 1966.

Passed by the vote of the people November 8, 1966 at the state general election.

Proclamation signed by the Governor December 8, 1966 declaring measure effective law.

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## CHAPTER 2.

[Initiative Measure No. 233.]

### REPEALING FREIGHT TRAIN CREW LAW.

AN ACT regarding train crew requirements in the railroad industry; repealing a statute which prohibits operating freight trains having twenty-five or more cars with a crew of less than six, or light engines with a crew of less than three, outside yard limits and where more than two trains per day operate over the same line or part thereof; prohibiting the state from preventing railroads from manning freight trains in accordance with collective bargaining agreements or any national or other settlement of train crew size; and declaring that the size of passenger train crews shall not be affected thereby.

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

Repeal. Section 1. RCW section 81.40.020 is hereby repealed.

Sec. 2. No law or order of any regulatory agency of this state shall prevent a common carrier by rail-

road from manning its freight trains in accordance with collective bargaining agreements or any national or other settlement of train crew size. The size of passenger train crews shall not be affected by this act.

Railroad employees.  
Freight train crews—Regulatory agencies, prohibition.

Sec. 3. All acts or parts of acts in conflict with or in derogation of this act are hereby repealed insofar as the same are in conflict with, or in derogation of, this act or any part thereof.

Repeal.

Filed in the office of the Secretary of State March 22, 1966.

Passed by the vote of the people November 8, 1966 at the state general election.

Proclamation signed by the Governor December 8, 1966 declaring measure effective law.

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### CHAPTER 3.

[Senate Bill No. 198.]

#### APPROPRIATION—LEGISLATIVE EXPENSE AND MEMBERS' SUBSISTENCE.

AN ACT relating to the expenses and costs of the legislature including subsistence payments; making appropriations therefor; and declaring an emergency.

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

Section 1. There is hereby appropriated out of the state general fund to the legislature the sum of six hundred eleven thousand five hundred seventy dollars (\$611,570), or so much thereof as may be necessary for the purpose of paying the expenses, except printing, of the legislature. From the amount hereby appropriated:

Appropriation.  
Legislative expenses.

(1) The Senate shall not expend more than two hundred ninety-three thousand seven hundred twenty dollars (\$293,720); and

(2) The House of Representatives shall not expend more than three hundred seventeen thousand eight hundred fifty dollars (\$317,850): *Provided*, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee: *And provided further*, That from the allocation of the House of Representatives, the House shall reimburse the Speaker for not more than seventy days, in lieu of per diem, at the rate of forty dollars per day for each day or major portion thereof in which he is actually engaged in completing the work of the fortieth legislature and is performing his duties as Speaker during the interim period until the convening of the next regular session of the legislature.

Appropriation.  
Legislature,  
session laws,  
printing.

Sec. 2. There is hereby appropriated out of the state general fund to the legislature the sum of one hundred seventy-two thousand five hundred dollars (\$172,500), or so much thereof as may be necessary, for printing, indexing, binding and editing the session laws, Senate and House journals, and other printing, and binding public documents.

Appropriation.  
Legislative  
members, per  
diem.

Sec. 3. There is hereby appropriated to the legislature out of the state general fund the sum of one hundred eleven thousand seven hundred fifty dollars (\$111,750) for payment to members of the legislature and the president of the senate at the rate of twenty-five dollars per day in lieu of subsistence and lodging while in attendance at the fortieth legislature.

Appropriation.  
Legislative  
committee.

Sec. 4. There is hereby appropriated out of the general fund, for the statute law committee, to carry out the provisions of section 6, chapter 257, Laws of 1953, salaries, wages and operations, the sum of eleven thousand five hundred dollars (\$11,500) or so much thereof as is necessary, to pay the additional

cost of preparing and drafting bills for the legislature.

Sec. 5. This act is necessary for the immediate support of the state government and shall take effect immediately. Emergency.

Passed the Senate January 20, 1967.

Passed the House January 20, 1967.

Approved by the Governor January 20, 1967.

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CHAPTER 4.

[Engrossed House Bill No. 186.]

SUPPLEMENTAL PAY APPROPRIATION.

AN ACT adopting a supplemental budget; making appropriations; and declaring an emergency.

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

Section 1. A supplemental budget is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as shall be sufficient for salary adjustments, including classified and exempt positions, to be allotted to those agencies whose employees are all or in part within the present system of the state personnel board or the highway personnel board, according to the following schedule: for those employees with survey finding in new salary ranges 1 through 7, inclusive, salary adjustments according to the findings of said board less 1 percent; for those employees with survey finding in new salary ranges 8 through 12, inclusive, salary adjustments according to the findings of said board less 2 percent; for those employees with survey finding in new salary ranges 13 and 14, salary adjustments according to the findings of said board less 3 percent; for those employees with survey finding in new sal-

Appropriation.  
Supplemental  
budget—State  
employee  
salaries.

Appropriation.  
Supplemental  
budget—State  
employee  
salaries.

ary ranges 15 through 19, inclusive, salary adjustments according to the findings of said board less 4 percent; and for those employees with survey finding in new salary ranges 20 through 44, inclusive, salary adjustments according to the findings of said board less 5 percent, and for employee benefits, are hereby appropriated and authorized to be disbursed for the period from the effective date of this act through June 30, 1967, out of the several funds of the state hereinafter named.

**SPECIAL APPROPRIATION OF THE GOVERNOR**

General Fund Appropriation to be allotted to those agencies whose employees are all or in part within the present system of the State Personnel Board ..... \$4,208,971

**STATE AUDITOR**

Motor Vehicle Fund Appropriation ..... \$ 2,135

**EMPLOYEES' RETIREMENT SYSTEM**

Retirement System Expense Fund Appropriation .. \$ 10,054

**DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund—State Capitol Vehicle Parking  
Account Appropriation ..... \$ 923

**BOARD OF INDUSTRIAL INSURANCE APPEALS**

Accident Fund Appropriation ..... \$ 7,678  
Medical Aid Fund Appropriation ..... \$ 7,678

**LIQUOR CONTROL BOARD**

Liquor Board Revolving Fund Appropriation ..... \$ 167,090

**UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Fund Appropriation ..... \$ 50,276

**STATE PATROL**

Highway Safety Fund Appropriation..... \$ 2,021  
Motor Vehicle Fund—State Patrol Highway  
Account Appropriation ..... \$ 318,088

**DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—Electrical License Account Approp-  
riation ..... \$ 19,287  
Accident Fund Appropriation ..... \$ 36,197  
Medical Aid Fund Appropriation..... \$ 109,607

**MILITARY DEPARTMENT**

Armory Fund Appropriation ..... \$ 2,201

## DEPARTMENT OF MOTOR VEHICLES

General Fund—Architects' Licenses Account Appropriation .....	\$	622
General Fund—Opticians' Account Appropriation..	\$	85
General Fund—Optometry Account Appropriation.	\$	152
General Fund—Professional Engineers' Account Appropriation .....	\$	974
General Fund—Real Estate Commission Account Appropriation .....	\$	8,362
General Fund—Sanitarians' Licensing Account Appropriation .....	\$	72
General Fund—Psychologists' Account Appropriation .....	\$	56
Highway Safety Fund Appropriation.....	\$	70,716
Motor Vehicle Fund Appropriation.....	\$	73,235
Motor Vehicle Operators' Revolving Fund Appropriation .....	\$	12,982

## TEACHERS' RETIREMENT SYSTEM

Teachers' Retirement Fund Appropriation .....	\$	4,802
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## DEPARTMENT OF HIGHWAYS

(Including Toll Bridge Authority)

Motor Vehicle Fund Appropriation for salary adjustments and employee benefits.....	\$	806,366
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## INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund—Outdoor Recreation Account Appropriation .....	\$	1,194
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## PARKS AND RECREATION COMMISSION

General Fund—Parks and Parkways Account Appropriation .....	\$	65,943
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## DEPARTMENT OF CONSERVATION

General Fund—Reclamation Revolving Account Appropriation .....	\$	1,792
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## DEPARTMENT OF GAME

Game Fund Appropriation .....	\$	141,810
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## DEPARTMENT OF NATURAL RESOURCES

General Fund—Resource Management Cost Account Appropriation .....	\$	85,856
General Fund—Forest Development Account Appropriation .....	\$	4,423

## DEPARTMENT OF AGRICULTURE

General Fund—Commercial Feed Account Appropriation .....	\$	1,346
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General Fund—Commission Merchants Account Ap- propriation .....	\$	2,288
General Fund—Egg Inspection Account Appropria- tion .....	\$	2,960
General Fund—Feed and Fertilizer Account Ap- propriation .....	\$	135
General Fund—Nursery Inspection Account Appro- priation .....	\$	2,422
General Fund—Fertilizer, Agricultural Mineral and Lime Account Appropriation.....	\$	1,481
General Fund—Seed Inspection Account Appropria- tion .....	\$	3,364
Grain and Hay Inspection Fund Appropriation.....	\$	39,023

Appropriation.  
Supplemental  
budget.

Sec. 2. A supplemental budget is hereby adopted and subject to the provision hereinafter set forth for the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the agencies and officers of the state and for other specified purposes for the period from the effective date of this act through June 30, 1967, out of the General Fund of the state.

INSTITUTIONS OF HIGHER LEARNING

For salary adjustments and employee benefits for the classified staff at each institution:

University of Washington .....	\$	517,998
Washington State University .....	\$	120,084
Eastern Washington State College.....	\$	38,655
Central Washington State College .....	\$	39,494
Western Washington State College .....	\$	46,204

SUPERINTENDENT OF PUBLIC INSTRUCTION

For distribution to counties for school districts for the sole purpose of increasing salaries of noncertificated employees of school districts, with increases in the amount of \$42.00 per month for full time personnel working nine months or more, and in prorated amounts for personnel employed less than full time, effective as of the date of this act: *Provided*, That those employees in classifications which have received pay raises since December 31, 1965, shall receive only the difference between \$42.00 and that

pay raise: *Provided further*, That the Superintendent of Public Instruction shall be responsible for assuring that each school district employ its portion of this appropriation exclusively for the purpose of so increasing the salaries of such employees; and: *Provided further*, That any part of this \$2,625,000 appropriation not so exclusively employed shall revert to the state general fund on July 1, 1967. . . \$2,625,000

DEPARTMENT OF PUBLIC ASSISTANCE

To update grants to recipients .....	\$2,247,043
For nursing homes .....	\$1,268,881
For county hospitals, including \$1,000,000 for King County Hospital; \$250,000 for Pierce County Hospital; and \$2,698 for Clark County Hospital	\$1,252,698
For other hospitals.....	\$ 87,750

NOTE: See also section 1, chapter 102, Laws of 1967.

Sec. 3. The appropriations contained in this act shall be allotted in accordance with chapter 43.88 RCW.

Supplemental budget, allocation of appropriations.

Sec. 4. Any receipts from federal or other sources received by the state as a result of the increased salaries authorized by this act may be received and allotted by the governor as necessary to carry out the intent of this act.

Federal and other funds, receipt and allotment by governor.

Sec. 5. Notwithstanding the notice provisions of any other statute the respective personnel boards shall meet promptly to adopt or revise compensation plans so as to give effect to the legislative intent that the salary increases supported by appropriations in this act be effective February 1, 1967.

Personnel boards, notice—Waiver.

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 February 1, 1967.

Emergency.

Passed the House January 20, 1967.

Passed the Senate January 20, 1967.

Approved by the Governor January 24, 1967.

CHAPTER 5.

[House Bill No. 185.]

OASI COVERAGE FOR GOVERNMENTAL OFFICERS AND EMPLOYEES.

AN ACT relating to the covering of certain officers and employees of the state and local governments under the old age and survivors insurance provisions of title II of the federal social security act, as amended; amending section 3, chapter 184, Laws of 1951 as last amended by section 1, chapter 170, Laws of 1957 and RCW 41.48.030; and declaring an emergency.

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

RCW 41.48.030 amended.

Section 1. Section 3, chapter 184, Laws of 1951 as last amended by section 1, chapter 170, Laws of 1957 and RCW 41.48.030 are each amended to read as follows:

Public employees. Federal social security agreements with secretary of health, education and welfare—Modification.

(1) The governor is hereby authorized to enter on behalf of the state into an agreement with the secretary of health, education, and welfare consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees of the state or any political subdivision not members of an existing retirement system, or to members of a retirement system established by the state or by a political subdivision thereof or by an institution of higher learning with respect to services specified in such agreement which constitute "employment" as defined in RCW 41.48.020. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the governor and secretary of health, education, and welfare shall agree upon, but, except as may be otherwise required by or under the social security act as to the services to be covered, such agreement shall provide in effect that—

(a) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title II of the social security act;

(b) The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the social security act, contributions with respect to wages (as defined in RCW 41.48.020), equal to the sum of the taxes which would be imposed by the federal insurance contributions act if the services covered by the agreement constituted employment within the meaning of that act;

(c) Such agreement shall be effective with respect to services in employment covered by the agreement or modification thereof performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year immediately preceding the calendar year in which such agreement or modification of the agreement is accepted by the secretary of health, education and welfare.

(d) All services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the state by employees of the state, shall be covered by the agreement;

(e) All services which (i) constitute employment as defined in RCW 41.48.020, (ii) are performed in the employ of a political subdivision of the state, and (iii) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the governor under RCW 41.48.050, shall be covered by the agreement; and

(f) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by indi-

Public employ-  
ees. Federal  
social security  
agreements  
with secretary  
of health, edu-  
cation and wel-  
fare—Modifica-  
tion.

viduals to whom section 218(c) (3) (C) of the social security act is applicable, and shall provide that the service of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of a retirement system; and

(g) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals in positions covered by a retirement system with respect to which the governor has issued a certificate to the secretary of health, education, and welfare pursuant to subsection (5) of this section.

(2) Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (a) to enter into an agreement with the secretary of health, education, and welfare whereby the benefits of the federal old-age and survivors insurance system shall be extended to employees of such instrumentality, (b) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under RCW 41.48.040(1) if they were covered by an agreement made pursuant to subsection (1) of this section, and (c) to make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (1) and other provisions of this chapter.

(3) The governor is empowered to authorize a referendum, and to designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218(d) (3) of the social security act, and subsection (4) of this section on the

question of whether service in all positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this chapter. If a retirement system covers positions of employees of the state of Washington, the university of Washington, the state college of Washington and the several colleges of education, and positions of employees of one or more of the political subdivisions of the state, then for the purpose of the referendum as provided herein, there may be deemed to be a separate retirement system with respect to employees of the state, or any one or more of the political subdivisions, or institutions of higher learning named herein and the governor shall authorize a referendum upon request of the subdivisions' or institutions' of higher learning governing body: *Provided however*, That if a referendum of state employees generally fails to produce a favorable majority vote then the governor may authorize a referendum covering positions of employees in any state department who are compensated in whole or in part from grants made to this state under title III of the federal social security act: *Provided*, That any city or town affiliated with the statewide city employees retirement system organized under chapter 41.44 may at its option agree to a plan submitted by the board of trustees of said statewide city employees retirement system for inclusion under an agreement under this chapter if the referendum to be held as provided herein indicates a favorable result: *Provided further*, That the Teachers' Retirement System be considered one system for the purpose of the referendum except as applied to the several colleges of education. The notice of referendum required by section 218(d) (3) (C) of the social security act to be given to employees shall contain or shall be accompanied by a statement, in such form

Public employ-  
ees. Federal  
social security  
agreements  
with secretary  
of health, edu-  
cation and wel-  
fare—Modifica-  
tion.

and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this chapter.

(4) The governor, before authorizing a referendum, shall require the following conditions to be met:

(a) The referendum shall be by secret written ballot on the question of whether service in positions covered by such retirement system shall be excluded from or included under the agreement between the governor and the secretary of health, education, and welfare provided for in RCW 41.48.030 (1);

(b) An opportunity to vote in such referendum shall be given and shall be limited to eligible employees;

(c) Not less than ninety days' notice of such referendum shall be given to all such employees;

(d) Such referendum shall be conducted under the supervision (of the governor or) of an agency or individual designated by the governor;

(e) The proposal for coverage shall be approved only if a majority of the eligible employees vote in favor of including services in such positions under the agreement;

(f) The state legislature, in the case of a referendum affecting the rights and liabilities of state employees covered under the state employees' retirement system and employees under the teachers' retirement system, and in all other cases the local legislative authority or governing body, shall have specifically approved the proposed plan and approved any necessary structural adjustment to the existing system to conform with the proposed plan.

(5) Upon receiving satisfactory evidence that with respect to any such referendum the conditions specified in subsection (4) of this section and section 218(d) (3) of the social security act have been met, the governor shall so certify to the secretary of health, education, and welfare.

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

Passed the House January 24, 1967.

Passed the Senate January 31, 1967.

Approved by the Governor February 7, 1967.

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## CHAPTER 6.

[House Bill No. 57.]

### APPRENTICESHIP COUNCIL.

AN ACT relating to the apprenticeship council; increasing reimbursements for members; and amending section 1, chapter 231, Laws of 1941 as amended by section 1, chapter 114, Laws of 1961 and RCW 49.04.010.

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

Section 1. Section 1, chapter 231, Laws of 1941 RCW 49.04.010  
amended. as amended by section 1, chapter 114, Laws of 1961 and RCW 49.04.010 are each amended to read as follows:

The director of labor and industries shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two Labor regula-  
tions. Appren-  
ticeship coun-  
cil, creation,  
composition,  
terms, ex-  
penses, duties.

Labor regulations. Apprenticeship council, creation, composition, terms, expenses, duties.

years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. Each member shall hold office until his successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. The state official who has been designated by the state board for vocational education as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall ex officio be members of said council, without vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for transportation and expenses and shall be paid not more than twenty-five dollars for each day spent in attendance at meetings of the council. The apprenticeship council with the consent of employee and employer groups shall: (1) Establish standards for apprenticeship agreements in conformity with the provisions of this chapter; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this chapter; and (3) perform such other duties as are hereinafter imposed. Not less than once a year the apprenticeship council shall make a report through the director of labor and industries on November 1, of its activities and findings to the legislature which shall be made available to the public.

Passed the House January 16, 1967.

Passed the Senate February 2, 1967.

Approved by the Governor February 9, 1967.

CHAPTER 7.

[Engrossed House Bill No. 20.]

BUDGET ACT—CITIES OVER 300,000.

AN ACT relating to budgets in cities over three hundred thousand population; adding a new chapter to chapter 7, Laws of 1965 and to Title 35 RCW; repealing sections 35.32.010 through 35.32.210, chapter 7, Laws of 1965, and RCW 35.32.010 through 35.32.210; and providing penalties.

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

Section 1. There is added to chapter 7, Laws of 1965 and to Title 35 RCW a new chapter to read as set forth in sections 2 through 12 of this act.

New chapter.

Sec. 2. This chapter shall be known and may be cited as the budget act for cities over three hundred thousand population.

Short title.

Sec. 3. In each city of over three hundred thousand population, there shall be enacted annually by the legislative authority a budget covering all functions or programs of such city: *Provided*, That the provisions of this chapter shall not apply to any municipal transportation system managed by a separate commission, the making of expenditures from proceeds of general obligation and revenue bond sales, or the expenditure of moneys derived from grants, gifts, bequests or devises for specified purposes.

Cities and towns. Budget act—Cities over 300,000—Annual budget.

Sec. 4. There shall be a budget director, appointed by the mayor without regard to civil service rules and regulations and subject to confirmation by a majority of the members of the city council, who shall be in charge of the city budget office and, under the direction of the mayor, shall be responsible for preparing the budget and supervising its execution. The budget director may be removed by the mayor upon filing with the city council a statement of his reasons therefor.

Budget director, appointment, duties.

Cities and towns. Annual budget, preparation—Estimates of expenditures and revenues, basis—Copies.

Sec. 5. The heads of all departments, divisions or agencies of the city government, including the library department, and departments headed by commissions or elected officials shall submit to the mayor estimates of revenues and necessary expenditures for the ensuing fiscal year in such detail, in such form and at such time as the mayor shall prescribe.

The budget director shall assemble all estimates of revenues; necessary departmental expenditures; interest and redemption requirements for any city debt; and other pertinent budgetary information as may be required by uniform regulations of the state auditor; and, under the direction of the mayor, prepare a proposed budget for presentation to the city council.

The revenue estimates shall be based primarily on the collection experience of the first six months of the current fiscal year and the last six months of the preceding fiscal year and shall not include revenue from any source in excess of the amount so collected unless it shall be reasonably anticipated that such excess amounts will in fact be realized. The estimated revenues shall be only from sources previously established by law, and the estimated expenditures in the proposed budget shall, in no event, exceed such estimated revenues: *Provided*, That the mayor may recommend expenditures exceeding the estimated revenues when accompanied by proposed legislation to raise at least an equivalent amount of additional revenue.

The mayor shall submit the proposed budget to the city council not later than ninety days prior to the beginning of the ensuing fiscal year.

The budget director shall cause sufficient copies of the proposed budget to be prepared and made available to all interested persons and shall cause a sum-

mary of the proposed budget to be published at least once in the city official newspaper.

Sec. 6. The city council shall forthwith consider the proposed budget submitted by the mayor and shall cause such public hearings to be scheduled on two or more days to allow all interested persons to be heard. Such hearings shall be announced by public notice published in the city official newspaper as well as provided to general news media.

City council, consideration of proposed budget—Hearings—Notice—Alteration.

The city council may insert new expenditure allowances, increase or decrease expenditure allowances recommended by the mayor, or revise estimates of revenues subject to the same restrictions as are herein imposed on the mayor; but may not adopt a budget in which the total expenditure allowances exceed the total estimated revenues for the ensuing fiscal year.

Sec. 7. Not later than thirty days prior to the beginning of the ensuing fiscal year the city council shall, by ordinance adopt the budget submitted by the mayor as modified by the city council.

City council—Adoption of budget—Re-appropriations—Transfers between allowances.

The expenditure allowances as set forth in the enacted budget shall constitute the budget appropriations for the ensuing fiscal year. The city council by ordinance may, during the fiscal year covered by the enacted budget, abrogate or decrease any unexpended allowance contained within the budget and reappropriate such unexpended allowances for other functions or programs. Transfers between allowances in the budget of any department, division or agency may be made upon approval by the budget director pursuant to such regulations as may be prescribed by ordinance.

Sec. 8. Every city having a population of over three hundred thousand may maintain an emergency fund, which fund balance shall not exceed one and one-half mills on each dollar of assessed valuation. Such fund shall be maintained by an an-

Emergency fund—Limitation—Authorized uses—Appropriations.

Cities and towns. Budgets in cities over 300,000.

nual budget allowance. When the necessity therefor arises transfers may be made to the emergency fund from any tax-supported fund except bond interest and redemption funds.

The city council by an ordinance approved by two-thirds of all of its members may authorize the expenditure of sufficient money from the emergency fund to meet the expenses or obligations:

(1) Caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, act of God, act of the public enemy or any other such happening that could not have been anticipated; or

(2) For the immediate preservation of order or public health or for the restoration to a condition of usefulness of public property the usefulness of which has been destroyed by accident; or

(3) In settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of a public utility owned by the city; or

(4) To meet mandatory expenditures required by laws enacted since the last budget was adopted.

The city council by an ordinance approved by three-fourths of all its members may appropriate from the emergency fund, an amount sufficient to meet the actual necessary expenditures of the city for which insufficient or no appropriations have been made due to causes which could not reasonably have been foreseen at the time of the making of the budget.

An ordinance authorizing an emergency expenditure shall become effective immediately upon being approved by the mayor or upon being passed over his veto as provided by the city charter.

Expenditures for public utilities, exemption.

Sec. 9. Notwithstanding the provisions of this chapter, the public utilities owned by a city having a population of over three hundred thousand supported wholly by revenues derived from sources

other than taxation, may make expenditures for utility purposes not contemplated in the annual budget, as the legislative authority by ordinance shall allow.

Sec. 10. The whole or any part of any appropriation provided in the budget for operating and maintenance expenses of any department or activity remaining unexpended or unencumbered at the close of the fiscal year shall automatically lapse, except any such appropriation as the city council shall continue by ordinance. The whole or any part of any appropriation provided in the budget for capital or betterment outlays of any department or activity remaining unexpended or unencumbered at the close of the fiscal year shall remain in full force and effect and shall be held available for the following year, except any such appropriation as the city council by ordinance may have abandoned.

Annual budget  
—Operating  
and maintenance  
expenses, lapse—  
Capital out-  
lays, carry-  
over.

Sec. 11. There shall be no orders, authorizations, allowances, contracts or payments made or attempted to be made in excess of the expenditure allowances authorized in the final budget as adopted or modified as provided in this chapter, and any such attempted excess expenditure shall be void and shall never be the foundation of a claim against the city.

Budget pro-  
visions man-  
datory—  
Violations,  
effect, liability  
of public  
officers.

Any public officials authorizing, auditing, allowing, or paying any claims or demands against the city in violation of the provisions of this chapter shall be jointly and severally liable to the city in person and upon their official bonds to the extent of any payments upon such claims or demands.

Any person violating any of the provisions of this chapter, in addition to any other liability or penalty provided therefor, shall be guilty of a misdemeanor.

Severability. 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.

Repeal. Sec. 13. Sections 35.32.010 through 35.32.210, chapter 7, Laws of 1965 and RCW 35.32.010 through 35.32.210 are each hereby repealed.

Passed the House January 14, 1967.

Passed the Senate February 3, 1967.

Approved by the Governor February 10, 1967.

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CHAPTER 8.

[Senate Bill No. 436.]

APPROPRIATION—LEGISLATIVE EXPENSE AND MEMBERS' SUBSISTENCE—  
LEGISLATIVE COUNCIL AND BUDGET COMMITTEE.

AN ACT relating to the expenses and costs of the legislature including subsistence payments and expenses of members; making appropriations therefor; and declaring an emergency.

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

Appropriation.  
Legislative  
expenses.

Section 1. There is hereby appropriated out of the state general fund to the legislature the sum of eight hundred fifty-four thousand and seventy-five dollars (\$854,075), or so much thereof as may be necessary for the purpose of paying the expenses, except printing, of the legislature, including reimbursement to members upon vouchers duly presented and certified by them of not to exceed one hundred fifty dollars in each three month period of the legislative interim as partial reimbursement for and in lieu of actual expenses incurred by them incident to their performance of legislative duties for which

the member is not otherwise entitled to reimbursement. From the amount hereby appropriated:

(1) The Senate shall not expend more than three hundred thirty-six thousand and seventy-five dollars (\$336,075); and

(2) The House of Representatives shall not expend more than five hundred eighteen thousand dollars (\$518,000): *Provided*, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee.

Sec. 2. There is hereby appropriated out of the state general fund to the legislature the sum of one hundred seventy-two thousand five hundred dollars (\$172,500), or so much thereof as may be necessary, for printing, indexing, binding and editing the session laws, Senate and House journals, and other printing, and binding public documents.

Appropriation.  
Legislature,  
session laws,  
printing.

Sec. 3. There is hereby appropriated to the legislature out of the state general fund the sum of one hundred eleven thousand seven hundred fifty dollars (\$111,750) for payment to members of the legislature and the president of the senate at the rate of twenty-five dollars per day in lieu of subsistence and lodging while in attendance at the fortieth legislature.

Appropriation.  
Legislative  
members, per  
diem.

Sec. 4. There is hereby appropriated out of the general fund, to the legislative council for salaries, wages and operations, the sum of seventeen thousand five hundred dollars (\$17,500).

Appropriation.  
Legislative  
council.

Sec. 5. There is hereby appropriated out of the general fund to the legislative budget committee the sum of two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary to carry out the provisions of senate resolution No. 1967-16.

Appropriation.  
Legislative  
budget com-  
mittee.

Emergency.

Sec. 6. This act is necessary for the immediate support of the state government and shall take effect immediately.

Passed the Senate February 13, 1967.

Passed the House February 11, 1967.

Approved by the Governor February 15, 1967.

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CHAPTER 9.

[Senate Bill No. 8.]

COUNTY BOUNDARY ADVISORY COMMISSION.

AN ACT relating to county boundaries; creating a county boundary advisory commission; prescribing powers, duties and functions; and authorizing counties to allocate funds.

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

Counties.  
Boundary ad-  
visory commit-  
tee—Purpose.

Section 1. Whereas many of the county boundaries in this state were defined and described by the territorial legislatures; and whereas many of the remaining boundaries were defined and described fifty or more years ago; and whereas such boundaries are by actual legal description or by actual location in conflict or are obscure or uncertain; and whereas such uncertainty is presenting turmoil and difficulties relating to assessments, legal jurisdiction, and other county and intercounty problems and functions; therefore it is necessary that the legislature enact this law to clarify boundaries and to resolve these uncertainties and conflicts.

Department of  
natural re-  
sources to co-  
operate with  
and assist  
boundary ad-  
visory com-  
mittee.

Sec. 2. The official state agency for surveys and maps in the department of natural resources shall review and examine county boundaries within the state with the cooperation and assistance of the county boundary advisory commission hereinafter created.

Sec. 3. There is hereby created a county boundary advisory commission of three members, composed of a representative of the college of engineering of the University of Washington to be appointed by the dean thereof, a representative of the college of engineering of Washington State University to be appointed by the dean thereof, and a member of the staff of the department of natural resources selected by the administrator of such department who shall serve as chairman of the commission. Members of the commission shall serve without compensation but may be reimbursed for expenses incurred in the performance of their duties as are other state officials and employees: *Provided*, That such persons shall continue to receive their regular compensation from the state or university and such compensation shall not be affected by a reassignment of duties hereunder. Vacancies shall be filled as in case of original appointment.

Creation,  
members, ex-  
penses, terms.

Sec. 4. The commission may employ such expert, clerical and other assistants as may be necessary for the performance of its duties. The official state agency for surveys and maps and the two universities may supply such personnel, facilities, and supplies as they are able to do, and such agency through the administrator may supply such quarters as are necessary to carry this act into effect.

Employment of  
experts, cler-  
ical and other  
assistants—  
Quarters.

Sec. 5. The official state agency for surveys and maps together with the advisory commission may establish rules of procedures, conduct conferences and hearings as it deems advisable or necessary, shall seek the participation and cooperation of other state, county, or municipal agencies, and all interested and responsible organizations. All public officials and agencies may make available records, data, facilities, personnel, and information necessary for the purposes of this act.

County bound-  
ary advisory  
committees.  
Rules and reg-  
ulations—  
Access to  
records etc.

Reports and  
recommendations to  
legislature.

Sec. 6. The official state agency for surveys and maps together with the advisory commission shall study laws, facts, trends, make such surveys, appraisals, examinations, and investigate and review any other matters necessary to review, clarify and reestablish county boundaries, and shall make a report and recommendation together with such drafts of proposed legislation as they may deem necessary or desirable to the forty-first session of the legislature. Any dissenting member or members may submit a dissenting report.

Expenses,  
vouchers—  
Funds.

Sec. 7. All expenditures of the commission, and of participants from the official state agency of surveys and maps shall be paid upon vouchers approved by the administrator of the department of natural resources. Vouchers may be drawn upon any funds available or made available by the legislature for the purposes of this act or upon any contributions or gifts made available to the official state agency or the advisory commission from any source. Any governmental agency may provide services or such funds as may be lawfully provided for such purposes.

County  
participation,  
funds.

Sec. 8. Any interested counties are hereby authorized to allocate funds to the boundary advisory commission for the purpose of determining a boundary question involving a particular county.

Expiration.

Sec. 9. This act shall expire June 30, 1969.

Passed the Senate January 24, 1967.

Passed the House February 10, 1967.

Approved by the Governor February 17, 1967.

## CHAPTER 10.

[Engrossed House Bill No. 43.]

## SUPPLEMENTAL HUNTING TAGS.

AN ACT relating to game and game fish; amending section 77.32.020, chapter 36, Laws of 1955 as amended by section 1, chapter 176, Laws of 1957, and RCW 77.32.020.

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

Section 1. Section 77.32.020, chapter 36, Laws of 1955 as amended by section 1, chapter 176, Laws of 1957, and RCW 77.32.020 are each amended to read as follows:

RCW 77.32.020  
amended.

It shall be unlawful for any person to hunt or kill deer without first having procured from the director a tag to be known as a supplemental deer seal, which tag shall be procured, in addition to any other license, to hunt game animals required by law. The fee for issuing and procuring such tag shall be two dollars and shall be paid in addition to all other license fees prescribed by law. It shall be unlawful for any person to hunt or kill elk without first having procured from the director a tag to be known as a supplemental elk seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be seven dollars and fifty cents and shall be paid in addition to all other license fees prescribed by law.

Game and  
game fish.  
Hunting  
licenses—  
Supplemental  
tags—Penalty  
—Fees.

It shall be unlawful for any person to hunt or kill mountain goat without first having procured from the director a tag to be known as a supplemental goat seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be seven dollars and fifty cents and shall be paid in addition to all other license fees prescribed by law.

Game and  
game fish.  
Hunting  
licenses—  
Supplemental  
tags—Penalty  
—Fees.

It shall be unlawful for any person to hunt or kill mountain sheep without first having procured from the director a tag to be known as a supplemental mountain sheep seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be ten dollars and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any person to hunt or kill wild turkey without first having procured from the director a tag to be known as a supplemental wild turkey seal, which tag shall be procured in addition to any other license to hunt game birds required by law. The fee for issuing and procuring such tag shall be two dollars and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any person to hunt or kill bear in any place where bear is classified as a game animal without first having procured from the director a tag to be known as a supplemental bear seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be two dollars and shall be paid in addition to all other license fees prescribed by law: *Provided*, That the director may issue permits for the control of bears in areas where, in his opinion, property is being damaged. No tag will be required for any bear killed to control damage.

It shall be unlawful for any nonresident or alien to hunt or kill deer without first having procured from the director a tag to be known as a supplemental nonresident deer seal which tag shall be procured, at no extra charge, in addition to any other license to hunt game animals required by law.

It shall be unlawful for any nonresident or alien to hunt or kill elk without first having procured

from the director a tag to be known as a supplemental nonresident elk seal which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be twenty-five dollars and shall be paid in addition to all other license fees provided by law.

It shall be unlawful for any nonresident or alien to hunt or kill mountain goat without first having procured from the director a tag to be known as a supplemental nonresident goat seal which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be twenty-five dollars and shall be paid in addition to all other license fees prescribed by law.

Such tags shall be in the possession of all persons while engaged in hunting deer, elk, mountain goat, mountain sheep, wild turkey, or bear. Such tags shall be prepared by and under the supervision of the director and shall bear the name "department of game of the state of Washington" and the year for which it is issued, and any other distinguishing marks deemed necessary by the director, and shall be void on the first day of April next following the date of issuance. Any person who kills any deer, elk, mountain goat, mountain sheep, wild turkey, or bear shall immediately attach his own tag to the carcass of any such animal or bird and properly seal the same. All moneys received from the issuance or sale of tags as provided herein shall be paid into the state game fund. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars and not more than two hundred fifty dollars or by imprisonment in the county jail for not less than ten days

and not more than thirty days or by both such fine and imprisonment.

Passed the House January 20, 1967.

Passed the Senate February 8, 1967.

Approved by the Governor February 17, 1967.

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CHAPTER 11.

[Engrossed House Bill No. 215.]

SUMMONS, HOW SERVED.

AN ACT relating to the manner of commencing civil actions in the superior courts; providing for service of summons on foreign or alien steamship companies or charterers, and amending section 7, chapter 127, Laws of 1893 as amended by section 1, chapter 202, Laws of 1957, and RCW 4.28.080.

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

RCW 4.28.080 amended.

Section 1. Section 7, chapter 127, Laws of 1893 as amended by section 1, chapter 202, Laws of 1957, and RCW 4.28.080 are each amended to read as follows:

Civil procedure—Commencement of actions—Summons, how served.

The summons shall be served by delivering a copy thereof, as follows:

- (1) If the action be against any county in this state, to the county auditor.
- (2) If against any town or incorporated city in the state, to the mayor thereof.
- (3) If against a school district, to the clerk thereof.
- (4) If against a railroad corporation, to any station, freight, ticket or other agent thereof within this state.
- (5) If against a corporation owning or operating sleeping cars, or hotel cars, to any person having charge of any of its cars or any agent found within the state.

(6) If against a domestic insurance company, to any agent authorized by such company to solicit insurance within this state.

(7) If against a foreign or alien insurance company, as provided in chapter 48.05 RCW.

(8) If against a company or corporation doing any express business, to any agent authorized by said company or corporation to receive and deliver express matters and collect pay therefor within this state.

(9) If the suit be against a company or corporation other than those designated in the preceding subdivisions of this section, to the president or other head of the company or corporation, secretary, cashier or managing agent thereof or to the secretary, stenographer or office assistant of the president or other head of the company or corporation, secretary, cashier or managing agent.

(10) If the suit be against a foreign corporation or nonresident joint stock company, partnership or association doing business within this state, to any agent, cashier or secretary thereof.

(11) If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother, guardian, or if there be none within this state, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed, if such there be.

(12) If against any person for whom a guardian has been appointed for any cause, then to such guardian.

(13) If against a foreign or alien steamship company or steamship charterer, to any agent authorized by such company or charterer to solicit cargo or passengers for transportation to or from ports in the state of Washington.

(14) In all other cases, to the defendant personally, or by leaving a copy of the summons at the

house of his usual abode with some person of suitable age and discretion then resident therein.

Service made in the modes provided in this section shall be taken and held to be personal service.

Passed the House February 13, 1967.

Passed the Senate February 9, 1967.

Approved by the Governor February 20, 1967.

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CHAPTER 12.

[Senate Bill No. 135.]

SCHOOL DISTRICT EMPLOYEES' SICK LEAVE.

AN ACT relating to education; amending section 2, chapter 68, Laws of 1955, as last amended by section 1, chapter 49, Laws of 1965 extraordinary session and RCW 28.58.100; and amending section 2, chapter 49, Laws of 1965 extraordinary session and RCW 28.03.050.

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

RCW 28.58.100 amended.

Section 1. Section 2, chapter 68, Laws of 1955, as last amended by section 1, chapter 49, Laws of 1965 extraordinary session and RCW 28.58.100 are each amended to read as follows:

Schools. Provisions applicable to all school districts. Directors, general powers.

Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge teachers, and fix, alter, allow and order paid their salaries and compensation;

(2) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils and teachers, and enforce the course of study lawfully prescribed for the schools of their districts;

(3) Rent, repair, furnish and insure school-houses and employ janitors, laborers and mechanics;

(4) Cause all schoolhouses to be properly heated, lighted and ventilated, and cause all school premises to be maintained in a clean and sanitary condition;

(5) Purchase personal property in the name of the district and receive, lease, issue and hold for their district real and personal property;

(6) Suspend or expel pupils from school who refuse to obey the rules thereof. This subsection shall be construed to include, but shall not be limited to, the right to suspend or expel pupils for the violation of reasonable rules relative to discipline or scholarship;

(7) Provide free textbooks and supplies to be loaned to the pupils of the school, when in its judgment the best interests of the district will be subserved thereby, prescribe rules and regulations to preserve such books and supplies from unnecessary damage and provide for the expenditure of a reasonable amount for suitable commencement exercises;

(8) Require all pupils to be furnished with such books as may have been adopted by the lawful authority of this state;

(9) Exclude from schools and school libraries all books, tracts, papers and other publications of immoral or pernicious tendency;

(10) Authorize schoolrooms to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical or agricultural meetings, under such regulations as the board of directors may adopt;

(11) Provide and pay for transportation of children to and from school whether such children live within or without the district when in its judgment the best interests of the district will be subserved thereby, but the board is not compelled to transport any pupil living within two miles of the schoolhouse.

Schools.  
Provisions ap-  
plicable to all  
school districts.  
Directors, gen-  
eral powers.

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

When commercial charter bus service is not reasonably available to a school district, the state board of education may authorize the use of school buses and drivers hired by the district for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or without the school district during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. The school board shall charge, for any extra-curricular uses, an amount sufficient to reimburse the district for its complete cost incurred by reason of such use.

Whenever any school children are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss by reason of theft, fire, or property damage to the motor vehicle, and to protect the district against loss by reason of liability of the district to persons from the operation of such motor vehicle.

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation;

(12) Establish and maintain night schools whenever it is deemed advisable;

(13) 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: *Provided*, That in the appor-

tionment of the current school fund each district maintaining such classes for free instruction in lip reading shall be credited with one full day's attendance for each day's attendance of two hours or more;

(14) Join with boards of directors of other school districts in buying supplies, equipment and services collectively, by establishing and maintaining a joint purchasing agency or otherwise, when deemed to be for the best interests of the district;

(15) Adopt written policies on granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including but not limited to leaves for attendance at official or private institutions and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and emergencies for both certified and noncertified employees, and with such compensation as the board of directors prescribe: *Provided*, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness and injury as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) for such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(d) leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days, and such accumu-

Schools. Provisions applicable to all school districts. Directors, general powers.

lated time may be taken at any time during the school year;

(e) sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(f) accumulated leave under this proviso not taken at the time such person retires or ceases to be employed in the public schools shall not be compensable;

(g) accumulated leave under this proviso shall be transferred from one district to another, and from the office of superintendent of public instruction and offices of county and intermediate district superintendent and boards of education;

(h) leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

**NOTE:** See also section 1, chapter 29, Laws of 1967 ex. sess.

RCW 28.03.050 amended.

Sec. 2. Section 2, chapter 49, Laws of 1965 extraordinary session and RCW 28.03.050 are each amended to read as follows:

Schools. Superintendent of public instruction. Accumulated sick leave fund.

There shall be established in the office of the superintendent of public instruction an accumulated sick leave fund. Each school district, each office of county and intermediate district superintendent and board of education, and the office of superintendent of public instruction shall contribute to the fund according to a plan established by the superintendent of public instruction based upon the sick leave experience of the previous school year. All school districts shall be reimbursed from this fund for payments made for sick leave.

Sec. 3. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected. Severability.

Passed the Senate January 25, 1967.

Passed the House February 23, 1967.

Approved by the Governor March 3, 1967.

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### CHAPTER 13.

[Engrossed House Bill No. 179.]

#### WATER POLLUTION CONTROL.

AN ACT relating to water pollution control; amending section 2, chapter 216, Laws of 1945 and RCW 90.48.020; amending section 3, chapter 216, Laws of 1945 and RCW 90.48.021; amending section 6, chapter 216, Laws of 1945 and RCW 90.48.024; amending section 7, chapter 216, Laws of 1945 and RCW 90.48.025; amending section 8, chapter 216, Laws of 1945 and RCW 90.48.026; amending section 11, chapter 216, Laws of 1945 and RCW 90.48.035; amending section 14, chapter 216, Laws of 1945 and RCW 90.48.080; amending section 17, chapter 216, Laws of 1945 and RCW 90.48.110; amending section 18, chapter 216, Laws of 1945 and RCW 90.48.120; amending section 1, chapter 71, Laws of 1955 and RCW 90.48.160; amending section 2, chapter 71, Laws of 1955 and RCW 90.48.170; amending section 3, chapter 71, Laws of 1955 and RCW 90.48.180; amending section 4, chapter 71, Laws of 1955 and RCW 90.48.190; amending section 5, chapter 71, Laws of 1955 and RCW 90.48.200; amending section 6, chapter 71, Laws of 1955 and RCW 90.48.210; adding new sections to chapter 90.48 RCW and directing the codification of certain thereof; repealing section 12, chapter 216, Laws of 1945 and RCW 90.48.060; and repealing section 19, chapter 216, Laws of 1945 and RCW 90.48.130.

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

Section 1. Section 2, chapter 216, Laws of 1945 and RCW 90.48.020 are each amended to read as follows: RCW 90.48.020 amended.

Water pollution control—  
Definitions.

Whenever the word "person" is used in this chapter, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever. Wherever the words "waters of the state" shall be used in this chapter, they shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington. Whenever the word "pollution" is used in this chapter, it shall be construed to mean such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life. Wherever the word "commission" is used in this chapter it shall mean the Water Pollution Control Commission as created in section 2 of this 1967 amendatory act. Whenever the word "director" is used in this chapter it shall mean the director as provided for in RCW 90.48.023.

RCW 90.48.021  
amended.

Sec. 2. Section 3, chapter 216, Laws of 1945 and RCW 90.48.021 are each amended to read as follows:

Water pollution control  
commission—  
Creation.

There is hereby created a "Water Pollution Control Commission" of the state of Washington, composed of the director of the department of conservation; the director of the department of fisheries; the director of the department of game; the director of

the department of health; and the director of the department of agriculture.

Sec. 3. Section 6, chapter 216, Laws of 1945 and RCW 90.48.024 are each amended to read as follows: amended.

The commission shall meet at least bimonthly and shall keep a complete record of all its proceedings. Meetings—  
Records.

Sec. 4. Section 7, chapter 216, Laws of 1945 and RCW 90.48.025 are each amended to read as follows: amended.

The director shall have charge of operating, staffing, directing, coordinating and supervising the commission's activities. He shall submit a written progress report of the work of the staff to the commission before each regular bimonthly meeting. The commission may delegate any of the powers and duties vested in it by this chapter to the director except the adoption and promulgation, amendment or rescinding, of standards, rules and regulations or the termination of a waste discharge permit issued pursuant to this chapter. Director—  
Powers and  
duties.

Sec. 5. Section 8, chapter 216, Laws of 1945 and RCW 90.48.026 are each amended to read as follows: amended.

The director may be assisted when necessary by technical advisors appointed by the respective members of the commission from their respective departments. Technical advisors when appointed shall receive no additional salary or wages for such services to the commission. Director—  
Assistants,  
technical  
advisors.

Sec. 6. Section 11, chapter 216, Laws of 1945 and RCW 90.48.035 are each amended to read as follows: amended.

The commission shall have the authority to, and shall promulgate, amend, or rescind such rules and regulations as it shall deem necessary to carry out the provisions of this chapter, including but not limited to rules and regulations relating to standards of quality for waters of the state and for substances General  
powers.

Water pollution control.

discharged therein, as such substances relate to the characteristics of the receiving waters.

New section.

Sec. 7. There is added to chapter 90.48 RCW a new section to read as follows:

Assistance of attorney general—Injunctions—Enforcement.

The commission, with the assistance of the attorney general, is authorized to bring any appropriate action at law or in equity, including action for injunctive relief, in the name of the people of the state of Washington as may be necessary to carry out the provisions of this chapter.

RCW 90.48.080 amended.

Sec. 8. Section 14, chapter 216, Laws of 1945 and RCW 90.48.080 are each amended to read as follows:

Discharge of polluting matter in waters prohibited.

It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of the commission, as provided for in this chapter.

New section.

Sec. 9. There is added to chapter 90.48 RCW a new section to read as follows:

Water pollution control commission—Witnesses—Subpoenas, contempt.

In carrying out the purposes of this chapter the commission shall, in conjunction with either the promulgation of rules and regulations, consideration of an application for a waste discharge permit or the termination or modification of such permit, or proceedings in contested cases, have the authority to issue process and subpoena witnesses effective throughout the state on its own behalf or that of an interested party, compel their attendance, administer oaths, take the testimony of any person under oath and, in connection therewith require the production for examination of any books or papers relating to the matter under consideration by the commission. In case of disobedience on the part of any

person to comply with any subpoena issued by the commission, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the commission, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. In connection with the authority granted under this section no witness or other person shall be required to divulge trade secrets or secret processes. Persons responding to a subpoena as provided herein shall be entitled to fees as are witnesses in superior court.

Sec. 10. Section 17, chapter 216, Laws of 1945 and RCW 90.48.110 are each amended to read as follows:

RCW 90.48.110 amended.

All plans and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage systems or sewage treatment or disposal plants, and the proposed method of future operation and maintenance of said facility or facilities, shall be submitted to and be approved by the commission, before construction thereof may begin. No approval shall be given until the commission is satisfied that said plans and specifications and the methods of operation and maintenance submitted are adequate to protect the quality of the state's waters as provided for in this chapter.

Plans of sewerage or disposal systems to be submitted to commission.

Sec. 11. Section 18, chapter 216, Laws of 1945 and RCW 90.48.120 are each amended to read as follows:

RCW 90.48.120 amended.

Whenever, in the opinion of the commission, any person shall violate or is about to violate the provisions of this chapter, or fails to control the polluting content of waste discharged or to be discharged into any waters of the state, the commission shall notify

Notice of violation—Order.

Water pollution control.

such person of its determination by registered mail. Such determination shall not constitute an order or directive under section 12 of this 1967 amendatory act. Within thirty days from the receipt of notice of such determination, such person shall file with the commission a full report stating what steps have been and are being taken to control such waste or pollution or to otherwise comply with the determination of the commission. Whereupon the commission shall issue such order or directive as it deems appropriate under the circumstances, and shall notify such person thereof by registered mail.

New section.

Sec. 12. There is added to chapter 90.48 RCW a new section to be codified as RCW 90.48.135 to read as follows:

Aggrieved party—Request for hearing, procedure—Judicial appeal.

Any person having an interest of an economic or noneconomic nature who feels aggrieved by an order or directive of the commission shall be entitled to a hearing before the commission, or an examiner designated by the commission, upon request. No such request shall be entertained by the commission unless it contains a statement of the substance of the order or directive complained of and the manner in which the same affects the aggrieved and is delivered to the commission's office in Olympia, personally or by registered mail, within thirty days following the rendition of the order or directive. No order or directive of the commission shall be stayed pending completion of the hearing and issuance of a final order, unless the commission, acting on an application for a stay from a party to the hearing, determines in its discretion that issuance of a stay would not be detrimental to the public interest. Such final order shall be subject to review upon application by any party to the hearing in the superior court of the county in which the affected system or plant or other discharge facility, or some portion thereof, is situated. The denial by the commission of an appli-

cation for a stay shall constitute an order subject to court review as provided for in this section.

Sec. 13. Section 1, chapter 71, Laws of 1955 and RCW 90.48.160 are each amended to read as follows: amended.

Any person who conducts a commercial or industrial operation of any type which results in the disposal of solid or liquid waste material into the waters of the state, including commercial or industrial operators discharging solid or liquid waste material into sewerage systems operated by municipalities or public entities which discharge into public waters of the state, shall procure a permit from the pollution control commission before disposing of such waste material: *Provided*, That this section shall not apply to any person discharging domestic sewage only into a sewerage system. Waste disposal permit—Required.

Sec. 14. There is added to chapter 90.48 RCW a new section. new section.

Any city, town or municipal corporation operating a sewerage system including treatment facilities may be granted authority by the commission to issue permits for the discharge of wastes to such system provided the commission ascertains to its satisfaction that the sewerage system and the inspection and control program operated and conducted by the city, town or municipal corporation will protect the public interest in the quality of the state's waters as provided for in this chapter. Such authority may be granted by the commission upon application by the city, town or municipal corporation and may be revoked by the commission if it determines that such city, town, or municipal corporation is not, thereafter, operated and conducted in a manner to protect the public interest. Persons holding municipal permits to discharge into sewerage systems operated by a municipal corporation authorized by this section to issue such permits shall Waste disposal permits—Authority of cities, towns and municipal corporations to issue—Termination.

Water pollu-  
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not be required to secure a waste discharge permit provided for in RCW 90.48.160 as to the wastes discharged into such sewerage systems. Authority granted by the commission to cities, towns, or municipal corporations to issue permits under this section shall be in addition to any authority or power now or hereafter granted by law to cities, towns and municipal corporations for the regulation of discharges into sewerage systems operated by such cities, towns, or municipal corporations. Permits issued under this section shall automatically terminate if the authority to issue the same is revoked by the commission.

RCW 90.48.170  
amended.

Sec. 15. Section 2, chapter 71, Laws of 1955 and RCW 90.48.170 are each amended to read as follows:

Waste disposal  
permit—Appli-  
cation—Notice.

Applications for permits shall be made on forms prescribed by the commission and shall contain the name and address of the applicant, a description of his operations, the quantity and type of waste material sought to be disposed of, the proposed method of disposal, and any other relevant information deemed necessary by the commission. Application for permits shall be made at least sixty days prior to commencement of any proposed discharge or permit expiration date, whichever is applicable. Upon receipt of a proper application relating to a new operation, or an operation previously under permit for which an increase in volume of wastes or change in character of effluent is requested over that previously authorized, the commission shall instruct the applicant to publish notices thereof by such means and within such time as the commission shall prescribe. The commission shall require that the notice so prescribed shall be published twice in a newspaper of general circulation within the county in which the disposal of waste material is proposed to be made and in such other appropriate information media as the commission may direct. Said notice shall include

a statement that any person desiring to present his views to the commission with regard to said application may do so in writing to the commission, or any person interested in the commission's action on an application for a permit, may submit his views or notify the commission of his interest within thirty days of the last date of publication of notice. Such notification or submission of views to the commission shall entitle said persons to a copy of the action taken on the application. Upon receipt by the commission of an application, it shall immediately send notice thereof containing pertinent information to the directors of fisheries, game, conservation and health. When an application complying with the provisions of this chapter and the rules and regulations of the commission has been filed with the commission, it shall be its duty to investigate the application, and determine whether the use of public waters for waste disposal as proposed will pollute the same in violation of the public policy of the state.

Sec. 16. Section 3, chapter 71, Laws of 1955 and RCW 90.48.180 are each amended to read as follows:

RCW 90.48.180 amended.

The commission shall issue a permit unless it finds that the disposal of waste material as proposed in the application will pollute the waters of the state in violation of the public policy declared in RCW 90.48.010. The commission shall have authority to specify conditions necessary to avoid such pollution in each permit under which waste material may be disposed of by the permittee. Permits may be temporary or permanent but shall not be valid for more than five years from date of issuance.

Waste disposal permits—Issuance—Conditions—Duration.

Sec. 17. Section 4, chapter 71, Laws of 1955 and RCW 90.48.190 are each amended to read as follows:

RCW 90.48.190 amended.

A permit shall be subject to termination upon thirty days' notice in writing if the commission finds:

Termination.

Water Pollution control. Waste disposal permit—Termination—Additional conditions.

(1) That it was procured by misrepresentation of any material fact or by lack of full disclosure in the application;

(2) That there has been a violation of the conditions thereof;

(3) That a material change in quantity or type of waste disposal exists.

New section.

Sec. 18. There is added to chapter 90.48 RCW a new section to read as follows:

Modification of permit conditions.

In the event that a material change in the condition of the state waters occurs the commission may, by appropriate order, modify permit conditions or specify additional conditions in permits previously issued.

RCW 90.48.200 amended.

Sec. 19. Section 5, chapter 71, Laws of 1955 and RCW 90.48.200 are each amended to read as follows:

Waste disposal permits—Non-action, deemed temporary permit.

In the event of failure of the commission to act upon an application within sixty days after it has been filed the applicant shall be deemed to have received a temporary permit. Said permit shall authorize the applicant to discharge wastes into waters of the state as requested in its application only until such time as the commission shall have taken action upon said application.

RCW 90.48.210 amended.

Sec. 20. Section 6, chapter 71, Laws of 1955 and RCW 90.48.210 are each amended to read as follows:

Order defined.

The issuance or termination of a permit, the denial of an application for a permit, or the modification of the conditions or the terms of a permit shall be deemed to be an order for purposes of RCW 90.48.130 [RCW 90.48.135].

New section.

Sec. 21. There is added to chapter 90.48 RCW a new section to read as follows:

Application of administrative procedure act.

The provisions of chapter 34.04 RCW, as it now exists or may be hereafter amended, shall apply to all rule making and contested cases authorized by or arising under the provisions of this chapter.

Sec. 22. There is added to chapter 90.48 RCW a New section. new section to read as follows:

Notwithstanding any other provisions of this chapter, whenever it appears to the director that water quality conditions exist which require immediate action to protect the public health or welfare, or that a person required by section 13 of this 1967 amendatory act to obtain a waste discharge permit prior to discharge is discharging without the same, or that a person conducting an operation which is subject to a permit issued pursuant to section 13 of this 1967 amendatory act conducts the same in violation of the terms of said permit, causing water quality conditions to exist which require immediate action to protect the public health or welfare, the commission or director may issue a written order to the person or persons responsible without prior notice or hearing, directing and affording the person or persons responsible the alternative of either (1) immediately discontinuing or modifying the discharge into the waters of the state, or (2) appearing before the commission at the time and place specified in said written order for the purpose of a hearing pertaining to the violations and conditions alleged in said written order. The responsible person or persons shall be afforded not less than twenty-four hours notice of such hearing. If following such hearing a majority of the commission find that water quality conditions exist which require immediate action as described herein, the commission may issue a written order requiring immediate discontinuance or modification of the discharge into the waters of the state. The order issued following such hearing is subject to judicial review as provided in section 12 of this 1967 amendatory act but shall not be stayed pending such judicial review unless the commission so directs, or unless the court finds the commission to have acted capri-

Waste discharge dangerous to public health or welfare—Emergency powers—Enforcement.

ciously or arbitrarily. In the event an order is not immediately complied with the attorney general, upon request of the commission or director, shall seek and obtain an order of the superior court of the county in which the violation took place directing compliance with the order of the commission.

New section.

Sec. 23. There is added to chapter 90.48 RCW a new section to read as follows:

Water pollution control commission—Contract for monitoring services.

The commission is authorized to make agreements and enter into such contracts as are appropriate to carry out a program of monitoring the condition of the waters of the state and the effluent discharged therein, including contracts to monitor effluent discharged into public waters when such monitoring is required by the terms of a waste discharge permit or as part of the approval of a sewerage system, if adequate compensation is provided to the commission as a term of the contract.

New section.

Sec. 24. There is added to chapter 90.48 RCW a new section to read as follows:

State agency for federal act.

The commission is hereby designated as the State Water Pollution Control Agency for all purposes of the Federal Water Pollution Control Act as it now exists or shall hereafter be amended and is hereby authorized to take all action necessary to secure to the state the benefits of that act.

Purpose—Cumulative nature of act—Savings.

Sec. 25. It is the purpose of this 1967 amendatory act to provide additional and cumulative remedies to prevent, abate and control the pollution of the waters of the state. Nothing in this 1967 amendatory act shall be construed to abridge or alter alternative rights of action or remedies in equity or under the common law or statutory law, criminal or civil, nor shall any provision hereof, or any act done by virtue hereof, be construed as estopping the state, or any municipality or person, as riparian owners or otherwise, in the exercise of their rights in equity or

under the common law or statutory law to suppress nuisances or to abate pollution.

Sec. 26. There is added to chapter 90.48 RCW a new section to read as follows:

The commission shall have authority to delineate and establish sewage drainage basins in the state for the purpose of developing and/or adopting comprehensive plans for the control and abatement of water pollution within such basins. Basins may include, but are not limited to, rivers and their tributaries, streams, coastal waters, sounds, bays, lakes, and portions or combinations thereof, as well as the lands drained thereby.

Water pollution commission—Sewage drainage basins, establishment.

Sec. 27. There is added to chapter 90.48 RCW a new section to read as follows:

The commission is authorized to prepare and/or adopt a comprehensive water pollution control and abatement plan and to make subsequent amendments thereto, for each basin established pursuant to section 26 of this 1967 amendatory act. Comprehensive plans for sewage drainage basins may be prepared by any municipality and submitted to the commission for adoption.

Water pollution control commission—Adoption of comprehensive plan.

Prior to adopting a comprehensive plan for any basin or any subsequent amendment thereof the commission shall hold a public hearing thereon. Notice of such hearing shall be given by registered mail, together with copies of the proposed plan, to each municipality, or other political subdivision, within the basin exercising a sewage disposal function, at least twenty days prior to the hearing date. Such hearing may be continued from time to time and, at the termination thereof, the commission may reject the plan proposed or adopt it with such modifications as it shall deem proper.

Following adoption of a comprehensive plan for any basin, the commission shall require compliance

Water pollution control.

with such plan by any municipality or person operating or constructing a sewage collection, treatment or disposal system or plant, or any improvement to or extension of an existing sewage collection, treatment or disposal system or plant, within the basin.

New section.

Sec. 28. There is added to chapter 90.48 RCW a new section to read as follows:

Grants of state aid for water pollution control projects.

The commission is authorized to make and administer grants within appropriations authorized by the legislature to any municipality or political subdivision within the state for the purpose of aiding in the construction of water pollution control projects necessary to prevent the discharge of untreated or inadequately treated sewage or other waste into the waters of the state.

Grants so made by the commission shall be subject to the following limitations:

(1) No grant shall be made in an amount which exceeds the recipient's contribution to the estimated cost of the project: *Provided*, That any grant received by the recipient from the federal government pursuant to section 8 (f) of the Federal Water Pollution Control Act (33U.S.C. 466) for the project shall be considered as part of the recipient's contribution.

(2) No grant shall be made for any project which does not qualify for and receive a grant of federal funds under the provisions of the Federal Water Pollution Control Act as now or hereafter amended.

(3) No grant shall be made to any municipality or political subdivision for any project located within a drainage basin for which the commission shall have previously adopted a comprehensive water pollution control and abatement plan unless the project is found by the commission to conform with such basin comprehensive plan.

(4) Recipients of grants shall meet such qualifications and follow such procedures in applying for grants as shall be established by the commission.

Sec. 29. Section 12, chapter 216, Laws of 1945 and RCW 90.48.060 and section 19, chapter 216, Laws of 1945 and RCW 90.48.130 are each repealed.

Repeal.

Sec. 30. If any provision of this 1967 amendatory act or its application to any person or circumstance is held invalid the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Severability.

Passed the House February 13, 1967.

Passed the Senate February 23, 1967.

Approved by the Governor March 3, 1967.

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CHAPTER 14.

[Senate Bill No. 167.]

WSU COLUMBIA RIVER ELECTRICAL RESEARCH STATION.

AN ACT providing for the establishment of an electrical research experiment station; and amending section 1, chapter 139, Laws of 1965 extraordinary session and RCW 28.80.300.

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

Section 1. Section 1, chapter 139, Laws of 1965 extraordinary session and RCW 28.80.300 are each amended to read as follows:

RCW 28.80.300 amended.

The board of regents of Washington State University is authorized to establish and maintain an electrical research experiment station at a suitable place at or near an existing hydroelectric facility along the Columbia river for the purpose of conducting research and investigational work into all

Washington State University—Electrical research experiment station.

areas of the field of electricity, with special emphasis on the application, uses and phenomena connected with high voltages and high energy, and to cooperate with public and private agencies in the furtherance of such purposes.

Passed the Senate February 15, 1967.

Passed the House February 26, 1967.

Approved by the Governor March 7, 1967.

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## CHAPTER 15.

[Senate Bill No. 82.]

### PILOTAGE ACT.

AN ACT relating to protection of shipping and the safety of human life and property; regulating pilots and pilotage on the waters of Puget Sound and adjacent inland waters, Grays Harbor and Willapa Bay; providing for the licensing, regulation and compensation of pilots; establishing a special account for the purposes of this act; defining vessels subject to pilotage; prohibiting piloting by unlicensed persons and the employment of unlicensed persons as pilots; amending section 2, chapter 18, Laws of 1935 as amended by section 1, chapter 184, Laws of 1941, and RCW 88.16.020; amending section 3, chapter 18, Laws of 1935 and RCW 88.16.050; amending section 4, chapter 18, Laws of 1935 and RCW 88.16.070; amending section 6, chapter 18, Laws of 1935 and RCW 88.16.120; amending section 8, chapter 18, Laws of 1935 and RCW 88.16.090; amending section 9, chapter 18, Laws of 1935 and RCW 88.16.030; amending section 10, chapter 18, Laws of 1935 and RCW 88.16.150; amending section 11, chapter 18, Laws of 1935 and RCW 88.16.130; amending section 14, chapter 18, Laws of 1935 and RCW 88.16.040; amending section 17, chapter 18, Laws of 1935 and RCW 88.16.160; repealing section 12, chapter 18, Laws of 1935 and RCW 88.16.060; repealing section 5, chapter 18, Laws of 1935 and RCW 88.16.080; adding a new section to chapter 18, Laws of 1935 and to chapter 88.16 RCW; defining offenses; and prescribing penalties.

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

Section 1. Section 2, chapter 18, Laws of 1935, as amended by section 1, chapter 184, Laws of 1941,

RCW 88.16.020  
amended.

and RCW 88.16.020 are each amended to read as follows:

The office of the department of labor and industries of the state of Washington shall be the office of the board and all records of the board shall be kept in said office. Each pilotage commissioner shall receive the sum of twenty-five dollars per day for each day actually engaged in the conduct of the business of the board, together with necessary traveling expenses, including meals and lodgings, at the rate provided by statute for state employees, to be paid out of the pilotage account on vouchers approved by the chairman of said board.

Navigation.  
Board of pilot-  
age commis-  
sioners—  
Office—Com-  
pensation of  
members.

Sec. 2. Section 3, chapter 18, Laws of 1935, and RCW 88.16.050 are each amended to read as follows:

RCW 88.16.050  
amended.

This act applies to Puget Sound and adjacent inland waters and to Grays Harbor and Willapa Bay as those terms are hereinafter defined:

Waters  
affected.

(1) "Puget Sound and adjacent inland waters", whenever used in this chapter, shall be construed to mean and include all the inland waters of the state of Washington inside the international boundary line between the state of Washington and British Columbia extending south to and including Olympia, but excluding that portion of the Straits of Juan de Fuca west of Port Angeles.

(2) "Grays Harbor and Willapa Bay" shall include all inland waters, channels, waterways, and navigable tributaries within each area. The boundary line between inland waters and the high seas shall be designated as the outermost sea buoy as established and placed for Grays Harbor and Willapa Bay.

Sec. 3. Section 4, chapter 18, Laws of 1935, and RCW 88.16.070 are each amended to read as follows:

RCW 88.16.070  
amended.

All vessels under enrollment and all vessels engaged exclusively in the coasting trade on the west

Vessels ex-  
empted.

Vessels ex-  
empted.

coast of the continental United States (including Alaska) and/or British Columbia shall be exempt from the provisions of this chapter unless a pilot licensed under this chapter be actually employed, in which case the pilotage rates provided for in this chapter shall apply. Every vessel not so exempt, shall while navigating Puget Sound and adjacent inland waters, Grays Harbor and Willapa Bay, employ a pilot licensed under the provisions of this chapter and shall be liable for and pay pilotage rates in accordance with the pilotage rates herein established or which may hereafter be established under the provisions of this chapter.

RCW 88.16.120  
amended.

Sec. 4. Section 6, chapter 18, Laws of 1935, and RCW 88.16.120 are each amended to read as follows:

Failure to ob-  
serve pilotage  
rate—Penalty.

No pilot shall charge, collect or receive and no person, firm, corporation or association shall pay for pilotage or other services performed hereunder any greater, less or different amount, directly or indirectly, than the rates or charges herein established or which may be hereafter fixed by the board pursuant to this chapter. Any pilot, person, firm, corporation or association violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment in the county jail of the county wherein he is convicted for a period of not less than thirty days nor more than six months, or both, said prosecution to be conducted by the prosecuting attorney of any county wherein the offense or any part thereof was committed.

RCW 88.16.090  
amended.

Sec. 5. Section 8, chapter 18, Laws of 1935, and RCW 88.16.090 are each amended to read as follows:

Pilots' licenses

No person shall pilot any vessel subject to the provisions of this chapter on waters covered by this chapter unless he be appointed and licensed to pilot

such vessels on said waters under and pursuant to the provisions of this chapter. No person shall be eligible to be appointed a pilot unless he is a citizen of the United States, over the age of twenty-five years and has been a resident of the state of Washington for at least three years immediately prior to the time of his appointment, has a practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he desires to be licensed, is of good moral character, temperate in his habits, possesses the skill and ability necessary to discharge the duties of pilot, nor unless he holds a first class United States government license to pilot on Puget Sound and adjacent inland waters, or Grays Harbor and Willapa Bay, whichever of these waters for which he desires to be licensed. Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee of one hundred dollars to be placed in the state treasury to the credit of the pilotage account.

Navigation.  
Pilots' licenses  
—Qualifica-  
tions—Dura-  
tion—Annual  
fee.

Sec. 6. Section 9, chapter 18, Laws of 1935, and RCW 88.16.030 are each amended to read as follows:

RCW 88.16.030  
amended.

The board is authorized and shall have power to make rules and regulations not in conflict with this chapter covering the matters hereinafter set forth which shall have the force and effect of law until altered, repealed or set aside by action of the board:

Rules and  
regulations—  
Rates.

(1) To establish the qualifications of pilots, provide for their examination and the issuance of licenses to qualified persons and to keep a register of licensed pilots and of vessels, operators and agents.

(2) To provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter.

Navigation.  
Board of pilot-  
age commis-  
sioners. Rules  
and regulations  
—Rates.

(3) To fix the rates of pilotage for the waters covered by this chapter: *Provided*, That no rate shall be changed by the board more than once in any twelve months' period: *And Provided Further*, That the rates presently in effect shall remain in effect until changed by the board pursuant to this chapter: *And Provided Further*, That no rate shall be increased, lowered or altered without a public hearing of which due notice by registered letter, mailed at least fifteen days prior to the date of hearing, shall have been served upon all pilots licensed under this chapter to pilot vessels on the particular waters for which the change of rate is proposed and upon all vessel operators and agents who have registered with the board. The notice shall specify the waters for which the change of rate is sought and also the change proposed. The board may, despite anything in this chapter contained, fix extra compensation for extra services to vessels in distress and compensation for awaiting vessels or being carried to sea on vessels against the will of the pilot. In determining rates the board shall have the right to subpoena witnesses.

(4) To do such other things as are reasonable, necessary and expedient to insure proper and safe pilotage upon the waters covered by this chapter and to facilitate the efficient administration of this chapter.

All rules and regulations adopted by the board shall be printed, and a copy thereof shall be mailed to each licensed pilot and to every vessel operator or agent who has registered with the board. Such mailing shall be proved by the affidavit of the person mailing the same, filed with the records of the board, and such affidavit shall be conclusive as to such mailing. All rules and regulations shall be effective three days after the completion of such mailing.

Sec. 7. Section 10, chapter 18, Laws of 1935, and RCW 88.16.150 are each amended to read as follows:

In all cases where no other penalty is prescribed in this chapter, any violation of this chapter or of any rule or regulation of the board shall be punished as a misdemeanor, and all violations may be prosecuted in any court of competent jurisdiction in any county where the offense or any part thereof was committed. In any case where the offense was committed upon a ship, boat or vessel, and there is doubt as to the proper county, the same may be prosecuted in any county through any part of which the ship, boat or vessel passed, during the trip upon which the offense was committed. All fines collected for any violation of this chapter or any rule or regulation of the board shall within thirty days be paid by the official collecting the same to the state treasurer and shall be credited to the pilotage account.

RCW 88.16.150 amended.

General penalty—Disposition of fines.

Sec. 8. Section 11, chapter 18, Laws of 1935, and RCW 88.16.130 are each amended to read as follows:

Any person not holding a license as pilot under the provisions of this chapter who pilots any vessel subject to the provisions of this chapter on waters covered by this chapter shall pay to the board the pilotage rates payable under the provisions of this chapter. Any master or owner of a vessel required to employ a pilot licensed under the provisions of this chapter who refuses to do so when such a pilot is available shall be guilty of a misdemeanor, and upon conviction thereof such master or owner shall be punished by a fine of not less than one hundred fifty dollars nor more than five hundred dollars and shall be imprisoned in the county jail of the county wherein he is so convicted until said fine and the costs of his prosecution are paid.

RCW 88.16.130 amended.

Pilotage dues of unlicensed pilots—Penalty for refusing to employ licensed pilot.

Sec. 9. Section 14, chapter 18, Laws of 1935, and RCW 88.16.040 are each amended to read as follows:

RCW 88.16.040

Navigation.  
Oaths and sub-  
poenas—Com-  
pelling  
attendance of  
witnesses—  
Penalty.

Any member of the board shall have power to administer oaths in any matter before the board for consideration or inquiry and to issue subpoenas requiring witnesses to appear before the board. Such subpoenas shall be signed by a member of the board and issued in the name of the state of Washington and be served and returned, and mileage and witness fees shall be paid in like manner and effect as in a civil action. A witness wilfully disobeying such subpoena served upon him shall be proceeded against upon complaint of the board to the prosecuting attorney of the county where his attendance was demanded as for a contempt of the authority of the superior court of said county.

RCW 88.16.160  
amended.

Sec. 10. Section 17, chapter 18, Laws of 1935, and RCW 88.16.160 are each amended to read as follows:

Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of this chapter. This chapter may be cited as the "Pilotage Act."

New section.

Sec. 11. There is added to chapter 18, Laws of 1935 and to chapter 88.16 RCW a new section to read as follows:

Pilotage ac-  
count.

The account in the general fund designated in RCW 43.79.330 (17) as the "Puget Sound pilotage account" is hereby redesignated as the "pilotage account".

Repeal.

Sec. 12. Section 12, chapter 18, Laws of 1935 and RCW 88.16.060, and section 5, chapter 18, Laws of 1935 and RCW 88.16.080 are each hereby repealed.

Passed the Senate February 1, 1967.

Passed the House February 26, 1967.

Approved by the Governor March 7, 1967.

## CHAPTER 16.

[Senate Bill No. 77.]

## DECLARING CERTAIN USES OF TELEPHONE UNLAWFUL.

AN ACT relating to telephone calls; and prescribing a penalty for making calls of an obscene, threatening or harassing nature.

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

Section 1. Every person who, with intent to harass, intimidate, torment or embarrass any other person, shall make a telephone call to such other person:

Crimes. Certain uses of telephone unlawful—Penalty.

(1) Using any lewd, lascivious, profane, indecent, or obscene words or language, or suggesting the commission of any lewd or lascivious act; or

(2) anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; or

(3) threatening to inflict injury on the person or property of the person called or any member of his family; or

(4) without purpose of legitimate communication;

shall be guilty of a misdemeanor.

Sec. 2. Any person who knowingly permits any telephone under his control to be used for any purpose prohibited by section 1 shall be guilty of a misdemeanor.

Crimes. Allowing telephone under control to be used for unlawful purpose—Penalty.

Sec. 3. Any offense committed by use of a telephone as set forth in section 1 of this act may be deemed to have been committed either at the place from which the telephone call or calls were made or at the place where the telephone call or calls were received.

Crimes. Unlawful use of telephones—Venue.

Severability.

Sec. 4. If any portion of this act is held to be unconstitutional or void, such decision shall not affect the validity of the remaining parts of this act.

Passed the Senate January 27, 1967.

Passed the House February 26, 1967.

Approved by the Governor March 7, 1967.

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CHAPTER 17.

[Senate Bill No. 157.]

WORK RELEASE PROGRAM FOR PRISONERS.

AN ACT relating to institutions; authorizing the establishment and implementation by the director of institutions of a work release program for selected persons serving sentences within the state correctional institutions, camps or other facilities under the jurisdiction of the department of institutions; providing penalties; and declaring an effective date.

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

Prisoners—  
Work release  
program—  
Definitions.

Section 1. As used in this act, the following terms shall have the following meanings:

(1) "Department" shall mean the department of institutions.

(2) "Director" shall mean the director of the department of institutions.

(3) "State correctional institutions" shall mean and include the Washington state penitentiary; the Washington corrections center; the Washington state reformatory; the Clallam Bay honor camp in Clallam county; the Larch Mountain honor camp in Clark county; the Washougal honor camp in Clark [Skamania] county; the Okanogan honor camp in Okanogan county; and such other state correctional institutions, camps or facilities as may hereafter be established pursuant to law under the jurisdiction of the department for the treatment of convicted felons sentenced to a term of confinement.

(4) "Prisoner" shall mean a person either male or female, convicted of a felony and sentenced by the superior court to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

(5) "Superintendent" shall mean the superintendent of a state correctional institution, camp or other facility now or hereafter established under the jurisdiction of the department pursuant to law.

Sec. 2. The director is authorized to extend the limits of the place of confinement and treatment within the state of any prisoner convicted of a felony, sentenced to a term of confinement and treatment by the superior court, and serving such sentence in a state correctional institution under the jurisdiction of the department, by authorizing a work release plan for such prisoner, permitting him, under prescribed conditions, to do any of the following:

Authority of  
director of  
department of  
institutions.

(1) Work at paid employment.

(2) Participate in a vocational training program: *Provided*, That the tuition and other expenses of such a vocational training program shall be paid by the prisoner, by someone in his behalf, or by the department: *Provided Further*, That any expenses paid by the department shall be recovered by the department pursuant to the terms of section 5.

(3) Interview or make application to a prospective employer or employers, or enroll in a suitable vocational training program.

Such work release plan of any prison shall require that he be confined during the hours not reasonably necessary to implement the plan, in (1) a state correctional institution, (2) a county or city jail, which jail has been approved after inspection pursuant to RCW 72.01.420, or (3) any other appropriate, supervised facility, after an agreement has been entered into between the department and

the appropriate authorities of the facility for the housing of work release prisoners.

Prisoners—  
Work release  
program—Ap-  
plication for  
participation.

Sec. 3. Any prisoner serving a sentence in a state correctional institution may make application to participate in the work release program to the superintendent of the institution in which he is confined. Such application shall set forth the name and address of his proposed employer or employers or shall specify the vocational training program, if any, in which he is enrolled. It shall include a statement to be executed by such prisoner that if his application be approved he agrees to abide faithfully by all terms and conditions of the particular work release plan adopted for him. It shall further set forth such additional information as the department or the director shall require.

Action on ap-  
plication—Plan  
—Contents—  
Reapplication.

Sec. 4. The superintendent of the state correctional institution in which a prisoner who has made application to participate in the work release program is confined, after careful study of the prisoner's conduct, attitude and behavior within the institutions under the jurisdiction of the department, his criminal history and all other pertinent case history material, shall determine whether or not there is reasonable cause to believe that the prisoner will honor his trust as a work release participant. After having made such determination, the superintendent, in his discretion, may deny the prisoner's application, or recommend to the director, or such officer of the department as the director may designate, that the prisoner be permitted to participate in the work release program. The director or his designee, may approve, reject, modify, or defer action on such recommendation. In the event of approval, the director or his designee, shall adopt a work release plan for the prisoner, which shall constitute an extension of the limits of confinement and treatment of the prisoner when released pursuant thereto, and

which shall include such terms and conditions as may be deemed necessary and proper under the particular circumstances. The plan shall be signed by the prisoner under oath that he will faithfully abide by all terms and conditions thereof. Further, as a condition, the plan shall specify where such prisoner shall be confined when not released for the purpose of the work release plan. At any time after approval has been granted to any prisoner to participate in the work release program, such approval may be revoked, and if the prisoner has been released on a work release plan, he may be returned to a state correctional institution, or the plan may be modified, in the sole discretion of the director or his designee. Any prisoner who has been initially rejected either by the superintendent or the director or his designee, may reapply for permission to participate in a work release program after a period of time has elapsed from the date of such rejection. This period of time shall be determined by the director or his designee, according to the individual circumstances in each case.

Sec. 5. A prisoner employed under a work release plan shall surrender to the director, or to the superintendent of such state correctional institution as shall be designated by the director in the plan, his total earnings, (1) less payroll deductions required by law, or such payroll deductions as may reasonably be required by the nature of the employment and (2) less such amount which his work release plan specifies he should retain to help meet his personal needs, including costs necessary for his participation in the work release plan such as expenses for travel, meals, clothing, tools and other incidentals. The director, or the superintendent of the state correctional institution designated in the work release plan shall deduct from such earnings,

Distribution of  
prisoner's  
earnings.

Prisoner's  
work release  
program.

and make payments from such work release participant's earnings in the following order of priority:

(1) Reimbursement to the department for any expenses advanced for vocational training pursuant to section 2(2), or for expenses incident to a work release plan pursuant to section 9 of this act.

(2) Payment of board and room charges for the work release participant: *Provided*, That if the participant is housed at a state correctional institution, the average daily per capita cost for the operation of such correctional institution, excluding capital outlay expenditures, shall be paid from the work release participant's earnings to the general fund of the state treasury: *Provided Further*, That if such work release participant is housed in another facility pursuant to agreement, then the charges agreed to between the department and the appropriate authorities of such facility shall be paid from the participant's earnings to such appropriate authorities.

(4) Payments for the necessary support of the work release participant's dependents, if any.

(5) Payments to creditors of the work release participant, which may be made at his discretion and request, upon proper proof of personal indebtedness.

(6) Payments to the work release participant himself upon parole or discharge, or for deposit in his personal account if returned to a state correctional institution for confinement and treatment.

Prisoner's  
earnings—Ex-  
emption from  
garnishment.

Sec. 6. The earnings of a work release participant shall not be subject to garnishment, attachment or execution while such earnings are either in the possession of the employer or any state officer authorized to hold such funds.

Escape—Pen-  
alty.

Sec. 7. Any prisoner approved for placement under a work release plan who wilfully fails to re-

turn to the designated place of confinement at the time specified shall be deemed an escapee and fugitive from justice, and upon conviction shall be guilty of a felony and sentenced in accordance with the terms of chapter 9.31 RCW. The provisions of this section shall be incorporated in every work release plan adopted by the department.

Escape—Penalty.

Sec. 8. The director may enter into contracts with the appropriate authorities for the payment of the cost of feeding and lodging and other expenses of housing work release participants. Such contracts may include any other terms and conditions as may be appropriate for the implementation of the work release program.

Contracts for cost of feeding and lodging prisoners.

Sec. 9. The department may provide transportation for work release participants to the designated places of housing under the work release plan, and may supply suitable clothing and such other equipment, supplies and other necessities as may be reasonably needed for the implementation of the plans adopted for such participants: *Provided*, That costs and expenditures incurred for this purpose may be deducted by the department from the earnings of the participants.

Prisoners—Transportation—Costs.

Sec. 10. The director is authorized to make rules and regulations for the administration of the provisions of this act to administer the work release program. In addition, the department shall:

Rules and regulations—Cooperation of state agencies.

- (1) Supervise and consult with work release participants;
- (2) Locate available employment or vocational training opportunities for qualified work release participants;
- (3) Effect placement of work release participants under the program;
- (4) Collect, account for and make disbursement

Work release  
program for  
prisoners.

from earnings of work release participants under the provisions of this act;

(5) Promote public understanding and acceptance of the work release program.

All state agencies shall cooperate with the department of institutions in the administration of the work release program as provided by this act.

Earnings—De-  
posit—Dis-  
bursement.

Sec. 11. All earnings of work release participants shall be deposited by the director, or the superintendent of a state correctional institution designated by the director in the work release plan, in personal funds. All disbursements from such funds shall be made only in accordance with the work release plans of such participants and in accordance with the provisions of this act.

Prisoners—Not  
agents or em-  
ployees of  
state—Rights  
as employees.

Sec. 12. All participants who become engaged in employment or training under the work release program shall not be considered as agents, employees or involuntary servants of state and the department is prohibited from entering into a contract with any person, co-partnership, company or corporation for the labor of any participant under its jurisdiction: *Provided*, That such work release participants shall be entitled to all benefits and privileges in their employment under the provisions of this act to the same extent as other employees of their employer, except that such work release participants shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged on expiration of their maximum sentences.

Board of  
prison terms  
and paroles ap-  
proval.

Sec. 13. This act shall not be construed as affecting the authority of the board of prison terms and paroles pursuant to the provisions of chapter 9.95 RCW over any person who has been approved for participation in the work release program. Before any person is approved by the director or his

designee for participation in the program, such participation must first be approved by at least two members of the board of prison terms and paroles.

Sec. 14. This act shall become effective on July 1, Effective date. 1967.

Passed the Senate February 16, 1967.

Passed the House February 26, 1967.

Approved by the Governor March 7, 1967.

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## CHAPTER 18.

[Senate Bill No. 196.]

### RECONVEYANCE OF LANDS TO SNOHOMISH COUNTY.

AN ACT relating to the reconveyance of certain lands in Snohomish county.

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

Section 1. The commissioner of public lands is hereby authorized and directed to reconvey to Snohomish county for county park and recreation purposes the following described lands in Snohomish county held in trust for said county by the department of natural resources, to wit: Government Lot 7, section 10, Township 27 North, Range 10 East W.M. and Government Lot 9, section 16, Township 27 North, Range 10 East W.M.

Reconveyance of state lands to Snohomish county.

The governor is hereby authorized and directed to execute, and the secretary of state to attest, a deed to Snohomish county reconveying all of said lands.

Passed the Senate February 3, 1967.

Passed the House February 26, 1967.

Approved by the Governor March 7, 1967.

## CHAPTER 19.

[Senate Bill No. 2.]

## STUDY OF DUTIES AND SALARIES OF STATE AND COUNTY OFFICERS.

AN ACT relating to state government and the governor's advisory committee on salaries; and amending section 43.03.028, chapter 8, Laws of 1965 and RCW 43.03.028.

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

RCW 43.03.028  
amended.

Section 1. Section 43.03.028, chapter 8, Laws of 1965 and RCW 43.03.028 are each amended to read as follows:

Governor's ad-  
visory com-  
mittee on  
salaries—  
Members—Du-  
ties.

There is hereby created a committee to be known as the governor's advisory committee on salaries, to consist of seven members as follows: The dean of the College of Business Administration of the University of Washington; the dean of the School of Economics and Business of Washington State University; the chairman of the State Personnel Board; the president of the Association of Washington Industries; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association, and one representative from organized labor. The committee herein created shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government who are subject to appointment by the governor, the director of game, the director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, and to recommend to the governor the salaries to be fixed for each respective position. Such recommendation shall be submitted to the governor in writing

at least once in each fiscal biennium on such date as the governor may designate.

The committee shall also make a study of the duties and salaries of all state elective officials, including members of the supreme and superior courts and of the members of the legislature, and also a study of the duties and salaries of county elective officials, and report to the governor and the legislative council not later than sixty days prior to the convening of each regular session of the legislature and recommend the salaries to be established for each position by the legislature.

Passed the Senate January 25, 1967.

Passed the House February 28, 1967.

Approved by the Governor March 8, 1967.

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## CHAPTER 20.

[Senate Bill No. 75.]

### COMPENSATION OF OFFICIAL COURT REPORTERS.

AN ACT relating to court reporters; and amending section 1, chapter 210, Laws of 1951, as last amended by section 1, chapter 114, Laws of 1965 extraordinary session, and RCW 2.32.210.

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

Section 1. Section 1, chapter 210, Laws of 1951, as last amended by section 1, chapter 114, Laws of 1965 extraordinary session, and RCW 2.32.210 are each amended to read as follows:

RCW 2.32.210  
amended.

Each official reporter shall be paid compensation as follows:

Compensation  
of official court  
reporters.

(1) In judicial districts comprised of class AA counties, such salary as shall be fixed by the judges of said counties and approved by the board of county commissioners of said class AA counties;

Compensation  
of official court  
reporters.

(2) In all judicial districts having a total population of one hundred thousand or over, excluding class AA counties, nine thousand five hundred dollars per annum; in the judicial district containing the state capitol, nine thousand five hundred dollars per annum regardless of population;

(3) In judicial districts having a total population of forty thousand or more and less than one hundred thousand, nine thousand dollars per annum.

(4) In judicial districts having a total population of twenty-five thousand and under forty thousand, six thousand dollars per annum.

Said compensation shall be paid out of the current expense fund of the county where court is held.

In judicial districts comprising more than one county the judge or judges thereof shall, on the first day of January of each year, or as soon thereafter as may be convenient, apportion the amount of the salary to be paid to the reporter by each county according and in proportion to the number of criminal and civil actions entered and commenced in superior court of the constituent counties in the preceding year. In addition to the salary above provided, in judicial districts comprising more than one county, the reporter shall receive his actual and necessary expenses of transportation and living expenses when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto, said expense to be paid by the county to which he travels. If one trip includes two or more counties, the expense may be apportioned between the counties visited in proportion to the amount of time spent in each county on the trip. If an official reporter uses his own automobile for the purpose of such transportation, he shall be paid therefor at the same rate per mile as county officials are paid for use of their private au-

tomobiles. The sworn statement of the official reporter, when certified to as correct by the judge presiding, shall be a sufficient voucher upon which the county auditor shall draw his warrant upon the treasurer of the county in favor of the official reporter.

The salaries of official court reporters shall be paid upon sworn statements, when certified as correct by the judge presiding, as state and county officers are paid.

Passed the Senate February 3, 1967.

Passed the House February 28, 1967.

Approved by the Governor March 8, 1967.

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## CHAPTER 21.

[Senate Bill No. 138.]

### LIQUOR—DELETING TERRITORY FROM U OF W INTERDICTED AREA.

AN ACT relating to intoxicating liquors; and amending section 1, chapter 75, Laws of 1895 as last amended by section 1, chapter 120, Laws of 1951 and RCW 66.44.190.

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

Section 1. Section 1, chapter 75, Laws of 1895 as last amended by section 1, chapter 120, Laws of 1951 and RCW 66.44.190 are each amended to read as follows:

RCW 66.44.190  
amended.

It shall be unlawful to sell any intoxicating liquors, with or without a license on the grounds of the University of Washington, otherwise known and described as follows: Fractional section 16, township 25 north, range 4 east of Willamette Meridian.

Alcoholic beverage control—  
Sales on University of  
Washington grounds prohibited.

Sec. 2. All of the provisions of Title 66 and the rules and regulations promulgated thereunder shall

Application.

fully apply to the territory deleted from RCW 66.44.190 by section 1 of this 1967 amendatory act.

Passed the Senate February 3, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 10, 1967.

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## CHAPTER 22.

[Senate Bill No. 378.]

### REGULATING REAL ESTATE BROKERS AND SALESMEN.

AN ACT relating to real estate brokers and salesmen; amending section 7, chapter 252, Laws of 1941 as amended by section 11, chapter 235, Laws of 1953 and RCW 18.85.220; and amending section 16, chapter 235, Laws of 1953 as amended by section 48, chapter 52, Laws of 1957 and RCW 18.85.350; and amending section 19, chapter 252, Laws of 1941, as last amended by section 12, chapter 235, Laws of 1953, and RCW 18.85.230.

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

RCW 18.85.220  
amended.

Section 1. Section 7, chapter 252, Laws of 1941 as amended by section 11, chapter 235, Laws of 1953 and RCW 18.85.220 are each amended to read as follows:

Real estate  
brokers. Li-  
cense fees—  
Disposition—  
Real estate  
commission  
fund.

All fees required under the provisions of this chapter shall be paid to the state treasurer. The sum of five dollars from each license fee and each renewal fee received from a broker, associate broker, or salesman, shall be placed in the general fund. The balance of such fees and all other fees paid under the provisions of this chapter shall be placed in a special fund to be designated the real estate commission fund, one-half of which may be held and used for the sole purpose of inspecting the books, records and operations of the brokers, associate brokers, and salesmen.

Sec. 2. Section 16, chapter 235, Laws of 1953 as amended by section 48, chapter 52, Laws of 1957 and RCW 18.85.350 are each amended to read as follows:

RCW 18.85.350  
amended.

The director may prefer a complaint for violation of any section of this chapter before any court of competent jurisdiction.

Real estate  
brokers. Li-  
censing—En-  
forcement.

The prosecuting attorney of each county shall prosecute any violation of the provisions of this chapter which occurs in his county, and if the prosecuting attorney fails to act, the director may request the attorney general to take action in lieu of the prosecuting attorney.

Process issued by the director shall extend to all parts of the state, and may be served by any person authorized to serve process of courts of record, or may be mailed by registered mail to the licensee's last business address of record in the office of the director.

Whenever the director believes from evidence satisfactory to him that any person has violated any of the provisions of this chapter, or any order, license, decision, demand or requirement, or any part or provision thereof, he may bring an action, in the superior court in the county wherein such person resides, against such person to enjoin any such person from continuing such violation or engaging therein or doing any act or acts in furtherance thereof. In this action an order or judgment may be entered awarding such preliminary or final injunction as may be proper.

The director may petition the superior court in any county in this state for the immediate appointment of a receiver to take over, operate or close any real estate office in this state which is found, upon inspection of its books and records to be operating in violation of the provisions of this chapter, pending a hearing as herein provided.

RCW 18.85.230 amended.

Sec. 3. Section 19, chapter 252, Laws of 1941, as last amended by section 12, chapter 235, Laws of 1953, and RCW 18.85.230 are each amended to read as follows:

Real estate brokers. Licenses—Refusal, revocation, suspension of license—Grounds.

The director may, upon his own motion, and shall upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker, associate real estate broker, or real estate salesman, regardless of whether the transaction was for his own account or in his capacity as broker, and may temporarily suspend or permanently revoke or deny the license of any holder who is guilty of:

(1) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director;

(2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto;

(3) A crime against the laws of this or any other state or government, involving moral turpitude or dishonest dealings;

(4) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act thereon to his damage or injury, if the statements, descriptions or promises purport to be made or to be performed by either the licensee or his principal and the licensee then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions or promises;

(5) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device whereby any other person lawfully relying upon the

word, representation or conduct of the licensee acts to his injury or damage;

(6) Accepting the services of, or continuing in a representative capacity, any salesman who has not been granted a license, or after his license has been revoked or during a suspension thereof;

(7) Conversion of any money, contract, deed, note, mortgage, or abstract or other evidence of title, to his own use or to the use of his principal or of any other person, when delivered to him in trust or on condition, in violation of the trust, or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion;

(8) Failing, upon demand, to disclose any information within his knowledge to, or to produce any document, book or record in his possession for inspection of the director or his authorized representatives acting by authority of law;

(9) Continuing to sell any real estate, or operating according to a plan of selling, whereby the interests of the public are endangered, after the director has, by order in writing, stated objections thereto;

(10) Committing any act of fraudulent or dishonest dealing and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter;

(11) Advertising in any manner without affixing the broker's name as licensed, and in the case of a salesman or associate broker, without affixing the name of the broker as licensed for whom or under whom the salesman or associate broker operates, to the advertisement;

Real estate  
brokers. Li-  
censes—Re-  
fusal,  
revocation,  
suspension of  
license—  
Grounds.

(12) Accepting other than cash or its equivalent as earnest money unless that fact is communicated to the owner prior to his acceptance of the other to purchase, and such fact is shown in the earnest money receipt;

(13) Charging or accepting compensation from more than one party in any one transaction without first making full disclosure of all the facts to all the parties interested in the transaction.

(14) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal;

(15) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value;

(16) Issuing an appraisal report on any real property in which the broker or salesman has an interest unless his interest is clearly stated in the appraisal report;

(17) Misrepresentation of his membership in any state or national real estate association;

(18) Discriminating against any person or persons because of race, creed, color or national origin while acting in the capacity of a real estate broker, associate real estate broker, or real estate salesman: *Provided*, That prior to taking any action to suspend, revoke or deny the license of any broker or salesman upon grounds specified in this subsection, the director shall issue an order to any such broker or salesman to cease and desist in such act or practice of discrimination and upon receipt of an assurance in writing of discontinuance thereof shall take no further action to suspend, revoke or deny the license of such broker or salesman unless within six months thereafter such broker or salesman engages in a further act or practice of discrimination. Such

assurance of discontinuance shall not be considered an admission of a violation for any purpose.

Passed the Senate March 9, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 10, 1967.

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## CHAPTER 23.

[Senate Bill No. 64.]

### DELETING REQUIREMENT TO MAINTAIN WESTERN STATE HOSPITAL DAIRY HERD.

AN ACT relating to the department of institutions; and amending section 1, chapter 193, Laws of 1961 and RCW 72.01.430.

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

Section 1. Section 1, chapter 193, Laws of 1961 and RCW 72.01.430 are each amended to read as follows:

RCW 72.01.430 amended.

The director of the department of institutions, notwithstanding any provision of law to the contrary, is hereby authorized to transfer equipment, livestock and supplies between the several institutions within the department without reimbursement to the transferring institution excepting, however, any such equipment donated by organizations for the sole use of such transferring institutions. Whenever transfers of capital items are made between institutions of the department, notice thereof shall be given to the director of the department of general administration accompanied by a full description of such items with inventory numbers, if any.

Equipment transfer between state institutions—  
Notice.

Passed the Senate February 23, 1967.

Passed the House March 3, 1967.

Approved by the Governor March 13, 1967.

CHAPTER 24.

[Senate Bill No. 113.]

ASSIGNMENT OF PATIENTS TO STATE HOSPITALS.

AN ACT relating to state hospitals; and amending section 71.02.450, chapter 25, Laws of 1959 and RCW 71.02.450.

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

RCW 71.02.450 amended.

Section 1. Section 71.02.450, chapter 25, Laws of 1959 and RCW 71.02.450 are each amended to read as follows:

State hospitals. Allocation of mentally ill patients.

Persons found to be mentally ill by the courts of the various counties and in need of hospitalization at a state hospital shall be hospitalized at such state hospitals as shall be certified to the superior courts by the director of institutions as available to receive mentally ill persons from such counties.

Passed the Senate February 22, 1967.

Passed the House March 3, 1967.

Approved by the Governor March 13, 1967.

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CHAPTER 25.

[Senate Bill No. 249.]

MOTOR VEHICLE SPEED LIMITS.

AN ACT relating to motor vehicle speed limits; amending section 2, chapter 16, Laws of 1963 and RCW 46.61.405; and amending section 6, chapter 16, Laws of 1963 and RCW 46.61.425.

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

RCW 46.61.405 amended.

Section 1. Section 2, chapter 16, Laws of 1963 and RCW 46.61.405 are each amended to read as follows:

Motor vehicles.

Whenever the state highway commission shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore

set forth is greater than is reasonable or safe under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, said commission may determine and declare a lower reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

Establishing  
maximum  
speed limits.

Sec. 2. Section 6, chapter 16, Laws of 1963 and RCW 46.61.425 are each amended to read as follows:

RCW 46.61.425  
amended.

(1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: *Provided*, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

Motor vehicles  
—Establishing  
minimum  
speed limits—  
Passing.

(2) Whenever the state highway commission or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the commission or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed

limit except when necessary for safe operation or in compliance with law.

Passed the Senate February 3, 1967.

Passed the House March 3, 1967.

Approved by the Governor March 13, 1967.

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## CHAPTER 26.

[Senate Bill No. 166.]

### VITAL STATISTICS.

AN ACT relating to vital statistics; providing for the registration of marriages, and decrees of divorce, annulment and separate maintenance with the state registrar of vital statistics; amending section 43.20.070, chapter 8, Laws of 1965 and RCW 43.20.070; amending section 43.20.080, chapter 8, Laws of 1965 and RCW 43.20.080; amending section 43.20.090, chapter 8, Laws of 1965 and RCW 43.20.090; amending section 7, page 405, Laws of 1854 as last amended by section 1, chapter 59, Laws of 1947, and RCW 26.04.090; amending section 8, page 82, Laws of 1866 as last amended by section 2, chapter 59, Laws of 1947 and RCW 26.04.100; amending section 9, page 83, Laws of 1866 as last amended by section 3, chapter 59, Laws of 1947 and RCW 26.04.110; amending section 4, chapter 204, Laws of 1939 and RCW 26.04.160; amending section 36.18.010, chapter 4, Laws of 1963, and RCW 36.18.010; amending section 36.18.020, chapter 4, Laws of 1963, and RCW 36.18.020; amending section 6, chapter 159, Laws of 1945 as amended by section 15, chapter 5, Laws of 1961 extraordinary session, and RCW 70.58.200; adding a new section to chapter 215, Laws of 1949 and to chapter 26.08 RCW; prescribing penalties; and declaring an effective date.

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

RCW 43.20.070  
amended.

Section 1. Section 43.20.070, chapter 8, Laws of 1965 and RCW 43.20.070 are each amended to read as follows:

Vital statistics,  
forms.

The director of health shall have charge of the state system of registration of births, deaths, fetal deaths, marriages, and decrees of divorce, annul-

ment and separate maintenance, and shall prepare the necessary rules, forms, and blanks for obtaining records, and insure the faithful registration thereof.

Sec. 2. Section 43.20.080, chapter 8, Laws of 1965 and RCW 43.20.080 are each amended to read as follows:

RCW 43.20.080  
amended.

The state registrar of vital statistics shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of Title 70; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. No other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, county auditors, and clerks of the court and, if any are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory, and shall cause such further information to be incorporated in or attached to and filed with the certificate. He shall furnish, arrange, bind, and make a permanent record of the certificate in a systematic manner, and shall prepare and maintain a comprehensive index of all births, deaths, fetal deaths, marriages, and decrees of divorce, annulment and separate maintenance registered.

Duty of registrar of vital statistics.

Sec. 3. Section 43.20.090, chapter 8, Laws of 1965 and RCW 43.20.090 are each amended to read as follows:

RCW 43.20.090  
amended.

The state registrar shall, upon request, furnish an applicant with a certified copy of the record of any birth, death, fetal death, marriage or decree of divorce, annulment or separate maintenance, registered under the provision of law, or that portion of the record of any birth which shows the child's full

Certified copies  
—Fees.

Vital statistics  
~~—Certified~~  
~~copies of rec-~~  
~~ords—Fees—~~  
 Restrictions.

name, sex, date of birth, and date of filing of the certificate, for the making and certification of which he shall charge a fee of two dollars to be paid by the applicant: *Provided*, That a certified copy of the record of any birth may not disclose the fact of illegitimacy of birth, nor of information from which it can be ascertained, except upon order of the court or in cases where written notice is received from an attorney, court official, or adoption agency that the illegitimate child is to be adopted: *Provided Further*, That no fee shall be demanded or required for furnishing a certified copy of a birth, death, fetal death, marriage, divorce, annulment or separate maintenance record for use in connection with a claim for compensation or pension pending before the veterans administration.

For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of two dollars for each hour or fractional part of an hour employed in such search, to be paid by the applicant.

The state department of health shall keep a true and correct account of all fees received and turn the same over to the state treasurer on or before the first day of January, April, July and October.

Health officers in cities of the first class may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, and shall be entitled to charge for searching of records when no certified copy is made the same fee as hereinabove provided. All such fees collected shall be paid to the jurisdictional health department: *Provided*, That health officers of cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance of a certified copy or a copy of the original certificate transmitted to the state registrar which was pro-

duced by a photographic or other exact reproduction method. Health officers of counties or districts normally served by full time health officers may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. All such fees collected shall be paid to the jurisdictional health department. Certified copy forms used by health officers furnishing certified copies while the original records are temporarily in their possession shall be supplied or approved by the state registrar and no other forms shall be used.

Sec. 4. Section 7, page 405, Laws of 1854 as last amended by section 1, chapter 59, Laws of 1947, and RCW 26.04.090 are each amended to read as follows:

RCW 26.04.090 amended.

A person solemnizing a marriage shall, within thirty days thereafter, make and deliver to the county auditor of the county wherein the license was issued a certificate for the files of the county auditor, and a certificate for the files of the state registrar of vital statistics. The certificate for the files of the county auditor shall be substantially as follows:

Vital statistics. Marriage—Certificates—Form.

STATE OF WASHINGTON )  
 COUNTY OF .....)

This is to certify that the undersigned, a  
 \_\_\_\_\_, by authority of a license  
 bearing date the \_\_\_\_\_ day of  
 \_\_\_\_\_ A.D., 19\_\_\_\_\_, and issued by the  
 County Auditor of the county of \_\_\_\_\_,  
 did, on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_\_,  
 at \_\_\_\_\_ in this county and state, join in  
 lawful wedlock A.B. of the county of \_\_\_\_\_  
 \_\_\_\_\_, state of \_\_\_\_\_ and C.D. of the

Vital statistics.  
Marriage—  
Certificates—  
Form.

county of \_\_\_\_\_, state of \_\_\_\_\_, with their mutual assent, in the presence of F H and E G, witnesses.

In Testimony Whereof, witness the signatures of the parties to said ceremony, the witnesses and myself, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19.....

The certificate for the files of the state registrar of vital statistics shall be in accordance with section 70.58.200 RCW. The certificate forms for the files of the county auditor and for the files of the state registrar of vital statistics shall be provided by the state registrar of vital statistics.

RCW 26.04.100 amended.

Sec. 5. Section 8, page 82, Laws of 1866 as last amended by section 2, chapter 59, Laws of 1947 and RCW 26.04.100 are each amended to read as follows:

Vital statistics.  
Marriage. Fil-  
ing and record-  
ing—Copy to  
vital statistics.

The county auditor shall file said certificates and record them or bind them into numbered volumes, and note on the original index to the license issued the volume and page wherein such certificate is recorded or bound. He shall enter the date of filing and his name on the certificates for the files of the state registrar of vital statistics, and transmit, by the tenth day of each month, all such certificates filed with him during the preceding month.

RCW 26.04.110 amended.

Sec. 6. Section 9, page 83, Laws of 1866 as last amended by section 3, chapter 59, Laws of 1947 and RCW 26.04.110 are each amended to read as follows:

Vital statistics.  
Marriage. Pen-  
alty for viola-  
tion.

Any person solemnizing a marriage, who shall wilfully refuse or neglect to make and deliver to the county auditor for record, the certificates mentioned in RCW 26.04.090, within the time in such section specified, shall be deemed guilty of a misdemeanor, and upon conviction shall pay for such refusal, or neglect, a fine of not less than twenty-five nor more than three hundred dollars.

RCW 26.04.160 amended.

Sec. 7. Section 4, chapter 204, Laws of 1939 and RCW 26.04.160 are each amended to read as follows:

Application for such marriage license must be made and filed with the appropriate county auditor upon blanks to be provided by the county auditor for that purpose at least three full days before the license shall be issued, which application shall be under the oath of each of the applicants, and each application shall state the name, address at the time of execution of application, age, color, occupation, birthplace, whether single, widowed or divorced, and whether under control of a guardian, residence during the past six months, together with the name and address of at least one competent witness who can testify that the residence given by the applicant is bona fide: *Provided*, That each county may require such other and further information on said application as it shall deem necessary.

Marriage—Ap-  
plication for  
license—Con-  
tents—Oath.

Sec. 8. Section 36.18.010, chapter 4, Laws of 1963, and RCW 36.18.010 are each amended to read as follows:

RCW 36.18.010  
amended.

County auditors shall collect the following fees for their official services: For filing each chattel mortgage, renewal affidavit, or conditional sale contract, and entering same as required by law, two dollars; for each assignment, modification, transfer, correction, or release of chattel mortgage, conditional sale contract, or miscellaneous instrument, one dollar;

County audi-  
tors—Fees.

For filing a release of chattel mortgage, conditional sale contract, or miscellaneous instrument, one dollar: *Provided*, That said fee shall be paid at the time of filing the chattel mortgage, conditional sale contract, or miscellaneous instrument, and no charge shall be made when the release of any of the above instruments is filed;

For recording instruments, for the first page, legal size (eight and one-half by thirteen inches or less), two dollars; for each additional legal size page, one dollar; for indexing each name over two, ten cents;

County audi-  
tors—Fees.

For marginal release of mortgage or lien, one dol-  
lar;

For preparing and certifying copies, for the first  
legal size page, two dollars; for each additional legal  
size page, one dollar;

For administering an oath or taking an affidavit,  
with or without seal, two dollars;

For issuing marriage license, seven dollars, (this  
fee includes taking necessary affidavits, filing re-  
turns, indexing, and transmittal of a record of the  
marriage to the state registrar of vital statistics);

For searching records per hour, four dollars;

For recording plats, twenty-five cents for each lot  
except cemetery plats for which the charge shall be  
ten cents per lot; also one dollar for each acknowl-  
edgment, dedication, and description: *Provided*,  
That there shall be a minimum fee of fifteen dollars  
per plat;

For filing of miscellaneous records, not listed  
above, two dollars;

For making marginal notations on original record-  
ing when blanket assignment or release of instru-  
ment is filed for record, each notation, twenty-five  
cents;

For recording of miscellaneous records, not listed  
above, for first legal size page, two dollars; for each  
additional legal size page, one dollar.

RCW 36.18.020  
amended.

Sec. 9. Section 36.18.020, chapter 4, Laws of 1963,  
and RCW 36.18.020 are each amended to read as  
follows:

Counties.  
Clerks of court  
—Fees.

Clerks of superior courts shall collect the follow-  
ing fees for their official services:

(1) The party filing the first or initial paper in  
any civil action, including an action for restitution,  
or change of name, shall pay, at the time said paper  
is filed, a fee of fifteen dollars: *Provided*, That if the  
action be one of divorce, annulment, or separate  
maintenance, an additional fee of one dollar shall be

paid which shall cover the transmittal of a record of the decree of divorce, annulment, or separate maintenance, if granted, to the state registrar of vital statistics.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of fifteen dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a justice court in the county of issuance, shall pay at the time of filing, a fee of five dollars.

(4) For the filing of a tax warrant by the tax commission of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars, and in the event that the case is settled out of court not less than twenty-four hours prior to the time that such case is called to be heard upon trial, such fee shall be returned to such party by the clerk.

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in his office for which no other charge is provided by law, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or of record in his office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

Counties.  
Clerks of court  
—Fees.

(9) For the filing of an affidavit for garnishment, a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of fifteen dollars: *Provided, However,* A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, there shall be paid a fee of fifteen dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of two dollars.

(15) Upon conviction or plea of guilty or upon failure to prosecute his appeal from a lower court as provided by law, a defendant in a criminal case shall be liable for a fee of fifteen dollars.

(16) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, June 7, 1961, shall be completed and governed by the fee schedule in effect as of January 1, 1959: *Provided,* That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

RCW 70.58.200  
amended.

Sec. 10. Section 6, chapter 159, Laws of 1945 as amended by section 15, chapter 5, Laws of 1961 extraordinary session, and RCW 70.58.200 are each amended to read as follows:

The forms of birth, death, fetal death, marriage, and decrees of divorce, annulment, or separate maintenance certificates filed with the state registrar of vital statistics shall include as a minimum the items required by the respective standard certificate as recommended by the federal agency responsible for national vital statistics subject to approval of and modification by the Washington state board of health. The Washington state board of health by regulation may require additional pertinent information relative to the birth and manner of delivery as it may deem necessary for statistical study. This information shall be placed in a confidential section of the birth certificate form together with the item pertaining to illegitimacy and shall not be subject to the view of the public or for certification purposes except upon order of a court.

Vital statistics  
—Forms.

Sec. 11. There is added to chapter 215, Laws of 1949 and to chapter 26.08 RCW a new section to read as follows:

New section.

On filing of a complaint for divorce, annulment of marriage, or separate maintenance, the person filing the complaint, or his legal representative, shall furnish information for the record as provided in RCW 70.58.200. The form for furnishing the information shall be provided by the state registrar of vital statistics.

Vital statistics.  
Domestic relations.

At the time a divorce, annulment, or decree of separate maintenance is granted, the clerk of the court shall complete the certificate as provided for in RCW 70.58.200 on the form provided by the state registrar of vital statistics. On or before the tenth day of each month, the clerk of the court shall forward to the state registrar of vital statistics the certificate of each decree of divorce, annulment, or separate maintenance granted during the preceding month.

Vital statistics.  
Effective date.

Sec. 12. This act shall take effect on January 1, 1968.

Passed the Senate January 31, 1967.

Passed the House March 3, 1967.

Approved by the Governor March 14, 1967.

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CHAPTER 27.

[House Bill No. 315.]

DEPUTY DIRECTOR OF GENERAL  
ADMINISTRATION.

AN ACT relating to state government; authorizing the appointment of a deputy director in the department of general administration; and adding a new section to chapter 8, Laws of 1965 and to chapter 43.19 RCW.

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

New section.

Section 1. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

State department of general administration. Deputy director.

The director of general administration may appoint and depute an assistant director to be known as the deputy director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director.

Passed the House February 11, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 14, 1967.

CHAPTER 28.

[House Bill No. 29.]

JUDGES' RETIREMENT FUND.

AN ACT relating to the judges' retirement fund; and amending section 5, chapter 229, Laws of 1937 as amended by section 1, chapter 192, Laws of 1959 and RCW 2.12.050.

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

Section 1. Section 5, chapter 229, Laws of 1937 as amended by section 1, chapter 192, Laws of 1959, and RCW 2.12.050 are each amended to read as follows:

RCW 2.12.050 amended.

There is hereby created a fund to be known as "The Judges' Retirement Fund" which shall consist of the moneys appropriated from the general fund in the state treasury, as hereinafter provided; the deductions from salaries of judges, as hereinafter provided, all gifts, donations, bequests and devises made for the benefit of said fund, and the rents, issues and profits thereof, or proceeds of sales of assets thereof. The treasurer shall be custodian of the moneys in said judges' retirement fund. He shall receive all moneys payable into said fund and make disbursements therefrom as provided in this chapter. He shall keep written permanent records showing all receipts and disbursements of said fund and shall make an annual written report showing receipts and disbursements and the status of said fund as of June 30th of each year, and shall, on or before the first day of August of each year, file one copy thereof with the governor, and one copy with the president-judge of the association of the superior court judges of the state of Washington. The treasurer's account shall be audited at convenient times by the state auditor. The treasurer shall receive no compensation for his services hereunder other than his salary as state treasurer, but he shall be allowed

Judges' retirement fund—  
Custody—  
Depository—  
Security.

from said fund his actual expenses in connection with his duties hereunder. The moneys in said fund shall be deposited by the treasurer in the name of said fund in such bank or banks as may be directed by the state finance committee. The treasurer shall require from all banks holding deposits of moneys belonging to said fund, deposits of securities or surety company bonds to indemnify said fund against loss, the same as are required of depositaries of state funds, which deposit of securities or surety company bonds shall at all times be ample and sufficient to cover all deposits from said fund.

Passed the House January 18, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 14, 1967.

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## CHAPTER 29.

[Senate Bill No. 376.]

### SUPPORT OF THE COMMON SCHOOLS.

AN ACT relating to education; providing support for maintenance, operation and construction of facilities for common schools; amending section 1, page 320, Laws of 1909 and RCW 28.40.010; amending section 1, page 421, Laws of 1873 as last amended by section 1, chapter 276, Laws of 1959 and RCW 28.41.020; and declaring an emergency.

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

Section 1. Section 1, page 320, Laws of 1909 and RCW 28.40.010 are each amended to read as follows:

The principal of the common school fund as the same existed on June 30, 1965, shall remain permanent and irreducible. The said fund shall consist of the principal amount thereof existing on June 30, 1965, and such additions thereto as may be derived after June 30, 1965, from the following named sources, to-wit: Appropriations and donations by

RCW 28.40.010  
amended.

Schools. Per-  
manent com-  
mon school  
fund—Source  
of funds.

the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state, when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of stone, minerals or property other than timber and other crops from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating stone, minerals or property other than timber and other crops from school and state lands other than those granted for specific purposes, and all moneys other than rental, recovered from persons trespassing on said lands; five percent of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be, granted to the state for the support of common schools and such other funds as may be provided by legislative enactment.

Sec. 2. Section 1, page 421, Laws of 1873 as last amended by section 1, chapter 276, Laws of 1959 and RCW 28.41.020 are each amended to read as follows:

The interest accruing on the permanent common school fund together with all rentals and other revenues from lands and other property devoted to the current use of the common schools, other than those proceeds derived from the sale or appropriation of timber and other crops from school and state lands subsequent to June 30, 1965, other than those grant-

RCW 28.41.020 amended.

Schools. Current state school fund—Sources—Required appropriations for school support.

Schools—  
Fiscal.

ed for specific purposes, and revenues from other sources allotted thereto, shall be deposited up to and including June 30, 1967, in a fund to be known as the current state school fund. On and after July 1, 1967, only revenue from sources other than (1) those proceeds derived from the sale or appropriation of timber and other crops from school and state lands, other than those granted for specific purposes; and (2) the interest accruing on said permanent common school fund together with all rentals and other revenues derived therefrom and from land and other property devoted to the permanent common school fund from and after July 1, 1967, shall be deposited in the current state school fund. Any revenue deposited in the current state school fund, whether prior to or after June 30, 1967, shall be exclusively applied to the current use of the common schools. In addition thereto, it shall be the duty of the state legislature, at each regular session thereof, to appropriate from the state general fund for the current use of the common schools an amount of money, which, with the interest and other revenues aforesaid, shall equal the amounts needed for state support to public schools.

Common  
school con-  
struction fund  
—Uses—  
Sources.

Sec. 3. The common school construction fund is to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from sale or appropriation of timber and other crops from school and state land subsequent to June 30, 1965, other than those granted for specific purposes; (2) the interest accruing on the permanent common school fund from and after July 2, 1967, together with all rentals and other revenue derived therefrom and from land and other property devoted to the permanent common school fund from and after July 1, 1967; and (3) such other sources as the legislature may direct. That portion of the com-

mon school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

Sec. 4. This act is necessary for the immediate Emergency preservation of the public peace, health and safety, and for the support of state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 23, 1967.

Passed the House March 3, 1967.

Approved by the Governor March 15, 1967.

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## CHAPTER 30.

[Senate Bill No. 259.]

### DEEDS OF TRUST.

AN ACT relating to real property and the use of deeds of trust and the foreclosure thereof; amending section 4, chapter 74, Laws of 1965 and RCW 61.24.040; amending section 6, chapter 74, Laws of 1965 and RCW 61.24.060; amending section 8, chapter 74, Laws of 1965 and RCW 61.24.080; and amending section 9, chapter 74, Laws of 1965 and RCW 61.24.090.

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

Section 1. Section 4, chapter 74, Laws of 1965 and RCW 61.24.040 are each amended to read as follows: RCW 61.24.040 amended.

A deed of trust may be foreclosed in the following manner:

Deeds of trust  
—Foreclosure  
and sale.  
Notice.

(1) At least one hundred and twenty days before sale, notice thereof shall be recorded by the trustee in the office of the auditor in each county in which the deed of trust is recorded. At least one hundred twenty days prior to sale copies of the notice shall be transmitted by first class and by certified mail, return receipt requested, to each person who has an interest in or lien or claim of lien against the property or some part thereof, provided such interest, lien or claim is of record at the time the notice is recorded, and provided the address of such person is stated in the recorded instrument evidencing his interest, lien or claim or is otherwise known to the trustee. If a court action to foreclose a lien or other encumbrance on all or any part of the property is pending and a lis pendens in connection therewith is on file on the date the notice is recorded in the office of the auditor pursuant to subdivision (1) of this section, a copy of the notice shall also be transmitted by first class and by certified mail, return receipt requested, to the plaintiff or his attorney of record. The copy of the notice shall be transmitted to the address to which such person shall have in writing requested the trustee to transmit the notice and if there has been no such request, to the address appearing in the recorded instrument evidencing his interest, lien or claim, and if there be neither such request nor record address, to the address otherwise known to the trustee. In addition, at least one hundred twenty days prior to sale, a copy of the notice shall be posted in a conspicuous place on said premises; or in lieu of posting, a copy of the notice may be served upon any occupant of said real property in the manner in which a summons is served, said service to be at least one hundred twenty days prior to sale.

(2) The notice aforesaid shall indicate the names of the grantor, trustee and beneficiary of the deed of

trust, the description of the property which is then subject to the deed of trust, the book and page of the book of record wherein the deed of trust is recorded, the default for which the foreclosure is made and the date by which the default must be cured in order to cause a discontinuance of the sale, the amount or amounts in arrears if a default is for failure to make payment, the sum owing on the obligation secured by the deed of trust, and the time and place of sale.

(3) A copy of the notice aforesaid shall be published in a legal newspaper in each county in which the property or any part thereof is situated, once weekly during the four weeks preceding the time of sale.

(4) The trustee shall sell the property in gross or in parcels as it shall determine, at the place and during the hours directed by statute for the conduct of sales of real estate at execution, at auction to the highest bidder.

(5) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value.

(6) The sale as authorized under this chapter shall not take place less than six months from the date of default in the obligation secured.

Sec. 2. Section 6, chapter 74, Laws of 1965 and RCW 61.24.060 are each amended to read as follows:

RCW 61.24.060  
amended.

The purchaser at the trustee's sale shall be entitled to possession of the property on the twentieth day following the sale, as against the grantor under

Deeds of  
trust.

the deed of trust or anyone claiming through him, and shall have a right to the summary proceedings to obtain possession of real property provided in chapter 59.12 RCW.

RCW 61.24.090 amended.

Sec. 3. Section 8, chapter 74, Laws of 1965 and RCW 61.24.080 are each amended to read as follows:

Deeds of trust—Foreclosure and sale—Disposition of proceeds of sale.

The trustee shall apply the proceeds of the sale as follows:

(1) To the expense of sale, including a reasonable charge by the trustee and by his attorney: *Provided*, That the aggregate of the charges by the trustee and his attorney, for their services in the sale, shall not exceed the amount which would, by the superior court of the county in which the trustee's sale occurred, have been deemed a reasonable attorney fee, had the trust deed been foreclosed as a mortgage in a noncontested action in the said court;

(2) To the obligation secured by the deed of trust; and

(3) The surplus, if any, less the clerk's filing fee may be deposited together with a copy of the recorded notice of sale with the clerk of the superior court of the county in which the sale took place. The clerk shall index such funds under the name of the grantor as set out in the recorded notice. Upon depositing such surplus, the trustee shall be discharged from all further responsibilities therefor. Interests in, or liens or claims of liens against the property eliminated by sale under this section shall attach to such surplus in the order of priority that it had attached to the property. The clerk shall not disburse such surplus except upon order of the superior court of such county.

RCW 61.24.090 amended.

Sec. 4. Section 9, chapter 74, Laws of 1965 and RCW 61.24.090 are each amended to read as follows:

At any time prior to the time set by the trustee for the sale in the recorded notice of sale, the gran-

tor or his successor in interest, any beneficiary under a subordinate deed of trust or any person having a subordinate lien or encumbrance of record on the trust property or any part thereof, shall be entitled to cause a discontinuance of the proceedings by curing the default or defaults set forth in the notice, which in the case of a default by failure to pay, shall be by paying to the trustee a sum sufficient to cure all defaults other than such portion of principal as would not then be due had no default occurred, plus the costs of the trustee incurred and the trustee's fee accrued, which accrued fee shall not exceed fifty dollars. Upon receipt of such payment the proceedings shall be discontinued, the deed of trust shall be reinstated and the obligation shall remain as though no acceleration had taken place. Any person having a subordinate lien of record on the trust property and who has cured the default or defaults pursuant to this section shall thereafter have included in his lien all payments made to cure any defaults, including interest thereon at six percent per annum, payments made for trustees' costs and fees incurred as authorized herein, and his reasonable attorney's fees and costs incurred resulting from any judicial action commenced to enforce his rights to advances under this section.

Deeds of trust  
—Foreclosure  
and sale—Curing  
defaults  
before sale—  
Discontinuance  
of proceedings.

If the default is cured and the obligation and the deed of trust reinstated in the manner hereinabove provided, the trustee shall properly execute, acknowledge and cause to be recorded a notice of discontinuance of trustee's sale under such deed of trust. A notice of discontinuance of trustee's sale when so executed and acknowledged is entitled to be recorded and shall be sufficient if it sets forth a record of the deed of trust and the book and page upon which the deed of trust is recorded and a reference to the notice of sale and the book and

page on which the name is recorded, and a notice that such sale is discontinued.

Passed the Senate February 25, 1967.

Passed the House March 3, 1967.

Approved by the Governor March 15, 1967.

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## CHAPTER 31.

[Senate Bill No. 53.]

### HUMANE SLAUGHTER OF ANIMALS.

AN ACT relating to the humane slaughter of animals; regulating slaughtering practices; repealing chapter 101, Laws of 1959 and RCW 16.50.010 through 16.50.070; and providing penalties.

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

Section 1. The legislature of the state of Washington finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economy in slaughtering operations; and produces other benefits for producers, processors and consumers which tend to expedite the orderly flow of livestock and their products. It is therefore declared to be the policy of the state of Washington to require that the slaughter of all livestock, and the handling of livestock in connection with slaughter, shall be carried out only by humane methods and to provide that methods of slaughter shall conform generally to those authorized by the Federal Humane Slaughter Act of 1958, and regulations thereunder.

Sec. 2. For the purpose of this act:

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

Animals.  
Humane  
slaughter of  
animals.

Definitions.

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

(3) "Humane method" means either: (a) A method whereby the animal is rendered insensible to pain by mechanical, electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast or cut; or (b) a method in accordance with the ritual requirements of any religious faith whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

(4) "Livestock" means cattle, calves, sheep, swine, horses, mules and goats.

(5) "Packer" means any person engaged in the business of slaughtering livestock.

(6) "Person" means a natural person, individual, 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.

(7) "Slaughterer" means any person engaged in the commercial or custom slaughtering of livestock, including custom farm slaughterers.

Sec. 3. No slaughterer or packer shall bleed or slaughter any livestock except by a humane method: *Provided*, That the director may, by administrative order, exempt a person from compliance with this act for a period of not to exceed six months if he finds that an earlier compliance would cause such person undue hardship.

Humane  
slaughter re-  
quired—  
Exceptions.

Sec. 4. The director shall administer the provisions of this act. He shall adopt and may from time to time revise rules which shall conform substantially to the rules and regulations promulgated by the secretary of agriculture of the United States pursuant to the Federal Humane Slaughter Act of 1958,

Rules and  
regulations.

Public Law 85-765, 72 Stat. 862 and any amendments thereto. Such rules shall be adopted pursuant to the provisions of chapter 34.04 RCW as enacted or hereafter amended concerning the adoption of rules.

Prohibited methods.

Sec. 5. The use of a manually operated hammer, sledge or poleaxe is declared to be an inhumane method of slaughter within the meaning of this act.

Humane slaughter of animals—Enforcement.

Sec. 6. The director may bring an action to enjoin the violation or threatened violation of any provision of this act or any rule adopted pursuant to this act in the superior court in the county in which such violation occurs or is about to occur, notwithstanding the existence of the other remedies at law.

Penalty.

Sec. 7. Any person violating any provision of this act or of any rule adopted hereunder is guilty of a misdemeanor and subject to a fine of not more than two hundred fifty dollars or confinement in the county jail for not more than ninety days.

Repeal.

Sec. 8. Chapter 101, Laws of 1959 and RCW 16.50.010 through 16.50.070 are each hereby repealed.

Severability.

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.

Religious beliefs protected.

Sec. 10. Nothing in this act shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provisions of this act, ritual slaughter and the handling or other preparation of livestock for ritual slaughter is defined as humane.

Passed the Senate February 16, 1967.

Passed the House March 4, 1967.

Approved by the Governor March 15, 1967.

## CHAPTER 32.

[Senate Bill No. 36.]

## MOTOR VEHICLES.

AN ACT relating to motor vehicles; amending section 46.04.370, chapter 12, Laws of 1961 and RCW 46.04.370; amending section 46.04.680, chapter 12, Laws of 1961 and RCW 46.04.680; amending section 46.08.110, chapter 12, Laws of 1961 and RCW 46.08.110; amending section 46.08.130, chapter 12, Laws of 1961 and RCW 46.08.130; amending section 29, chapter 21, Laws of 1961 first extraordinary session as amended by section 1, chapter 28, Laws of 1965 and RCW 46.08.200; amending section 46.12.010, chapter 12, Laws of 1961 and RCW 46.12.010; amending section 46.12.020, chapter 12, Laws of 1961 and RCW 46.12.020; amending section 46.12.030, chapter 12, Laws of 1961 and RCW 46.12.030; amending section 46.12.050, chapter 12, Laws of 1961 and RCW 46.12.050; amending section 46.12.100, chapter 12, Laws of 1961 and RCW 46.12.100; amending section 46.12.200, chapter 12, Laws of 1961 and RCW 46.12.200; amending section 46.12.220, chapter 12, Laws of 1961 and RCW 46.12.220; amending section 46.12.230, chapter 12, Laws of 1961 and RCW 46.12.230; amending section 46.16.020, chapter 12, Laws of 1961 as amended by section 1, chapter 106, Laws of 1965 first extraordinary session and RCW 46.16.020; amending section 46.16.030, chapter 12, Laws of 1961 and RCW 46.16.030; amending section 46.16.040, chapter 12, Laws of 1961 and RCW 46.16.040; amending section 46.16.137, chapter 12, Laws of 1961 and RCW 46.16.137; amending section 46.16.240, chapter 12, Laws of 1961 and RCW 46.16.240; amending section 46.16.260, chapter 12, Laws of 1961 and RCW 46.16.260; amending section 46.16.280, chapter 12, Laws of 1961 and RCW 46.16.280; amending section 46.16.320, chapter 12, Laws of 1961 and RCW 46.16.320; amending section 46.16.330, chapter 12, Laws of 1961 and RCW 46.16.330; amending section 46.16.340, chapter 12, Laws of 1961 and RCW 46.16.340; amending section 46.16.350, chapter 12, Laws of 1961 and RCW 46.16.350; amending section 1, chapter 201, Laws of 1961 and RCW 46.16.370; amending section 1, chapter 128, Laws of 1961 and RCW 46.16.380; amending section 46.20.070, chapter 12, Laws of 1961 as amended by section 9, chapter 39, Laws of 1963 and RCW 46.20.070; amending section 46.20.220, chapter 12, Laws of 1961 and RCW 46.20.220; amending section 46.20.300, chapter 12, Laws of 1961 and RCW 46.20.300; amending section 46.20.320, chapter 12, Laws of 1961 and RCW 46.20.320; amending section

## Motor vehicles.

46.20.380, chapter 12, Laws of 1961 and RCW 46.20.380; amending section 46.20.390, chapter 12, Laws of 1961 and RCW 46.20.390; amending section 46.20.400, chapter 12, Laws of 1961 and RCW 46.20.400; amending section 46.20.410, chapter 12, Laws of 1961 and RCW 46.20.410; amending section 2, chapter 134, Laws of 1961 and RCW 46.20.420; amending section 2, chapter 120, Laws of 1963 and RCW 46.21.020; amending section 11, chapter 169, Laws of 1963 and RCW 46.29.110; amending section 18, chapter 169, Laws of 1963 and RCW 46.29.180; amending section 30, chapter 169, Laws of 1963 and RCW 46.29.300; amending section 33, chapter 169, Laws of 1963 and RCW 46.29.330; amending section 35, chapter 169, Laws of 1963 and RCW 46.29.350; amending section 36, chapter 169, Laws of 1963 and RCW 46.29.360; amending section 37, chapter 169, Laws of 1963 and RCW 46.29.370; amending section 40, chapter 169, Laws of 1963 and RCW 46.29.400; amending section 41, chapter 169, Laws of 1963 and RCW 46.29.410; amending section 43, chapter 169, Laws of 1963 and RCW 46.29.430; amending section 44, chapter 169, Laws of 1963 as amended by section 6, chapter 124, Laws of 1965 and RCW 46.29.440; amending section 46.32.010, chapter 12, Laws of 1961 and RCW 46.32.010; amending section 46.37.005, chapter 12, Laws of 1961 and RCW 46.37.005; amending section 46.44.045, chapter 12, Laws of 1961 as amended by section 34, chapter 21, Laws of 1961 first extraordinary session and RCW 46.44.045; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 38, chapter 170, Laws of 1965 first extraordinary session and RCW 46.44.095; amending section 46.44.100, chapter 12, Laws of 1961 and RCW 46.44.100; amending section 46.52.020, chapter 12, Laws of 1961 and RCW 46.52.020; amending section 46.52.030, chapter 12, Laws of 1961 as amended by section 1, chapter 119, Laws of 1965 first extraordinary session and RCW 46.52.030; amending section 46.52.040, chapter 12, Laws of 1961 and RCW 46.52.040; amending section 46.52.060, chapter 12, Laws of 1961 and RCW 46.52.060; amending section 46.52.070, chapter 12, Laws of 1961 and RCW 46.52.070; amending section 46.52.080, chapter 12, Laws of 1961 as amended by section 3, chapter 119, Laws of 1965 first extraordinary session and RCW 46.52.080; amending section 46.52.090, chapter 12, Laws of 1961 and RCW 46.52.090; amending section 46.52.100, chapter 12, Laws of 1961 and RCW 46.52.100; amending section 46.52.110, chapter 12, Laws of 1961 as last amended by section 2, chapter 23, Laws of 1965 first extraordinary session and RCW 46.52.110; amending section 46.52.120, chapter 12, Laws of 1961 and RCW 46.52.120; amending section 27, chapter 21, Laws of 1961 first extraordinary session as amended by

section 65, chapter 169, Laws of 1963 and RCW 46.52.130; amending section 28, chapter 21, Laws of 1961 first extraordinary session as amended by section 66, chapter 169, Laws of 1963 and RCW 46.52.140; amending section 46.56.190, chapter 12, Laws of 1961 and RCW 46.61.020; amending section 46.60.260, chapter 12, Laws of 1961 and RCW 46.61.265; amending section 59, chapter 155, Laws of 1965 first extraordinary session and RCW 46.61.500; amending section 62, chapter 155, Laws of 1965 first extraordinary session and RCW 46.61.515; amending section 46.56.030, chapter 12, Laws of 1961 and RCW 46.61.525; amending section 46.64.015, chapter 12, Laws of 1961 and RCW 46.64.015; amending section 23, chapter 121, Laws of 1965 first extraordinary session and RCW 46.64.025; amending section 46.64.030, chapter 12, Laws of 1961 and RCW 46.64.030; amending section 46.68.010, chapter 12, Laws of 1961 and RCW 46.68.010; amending section 46.68.090, chapter 12, Laws of 1961 as amended by section 5, chapter 7, Laws of 1961 first extraordinary session and RCW 46.68.090; amending section 46.68.120, chapter 12, Laws of 1961 as amended by section 12, chapter 120, Laws of 1965 first extraordinary session and RCW 46.68.120; amending section 46.70.020, chapter 12, Laws of 1961 as amended by section 2, chapter 68, Laws of 1965 and RCW 46.70.020; amending section 46.70.060, chapter 12, Laws of 1961 and RCW 46.70.060; amending section 46.70.110, chapter 12, Laws of 1961 and RCW 46.70.110; amending section 46.70.140, chapter 12, Laws of 1961 and RCW 46.70.140; amending section 46.72.020, chapter 12, Laws of 1961 and RCW 46.72.020; amending section 46.72.030, chapter 12, Laws of 1961 and RCW 46.72.030; amending section 46.72.040, chapter 12, Laws of 1961 and RCW 46.72.040; amending section 46.72.050, chapter 12, Laws of 1961 and RCW 46.72.050; amending section 46.72.070, chapter 12, Laws of 1961 and RCW 46.72.070; amending section 46.72.080, chapter 12, Laws of 1961 and RCW 46.72.080; amending section 46.72.100, chapter 12, Laws of 1961 and RCW 46.72.100; amending section 46.72.110, chapter 12, Laws of 1961 and RCW 46.72.110; amending section 46.72.120, chapter 12, Laws of 1961 and RCW 46.72.120; amending section 46.72.130, chapter 12, Laws of 1961 and RCW 46.72.130; amending section 46.72.140, chapter 12, Laws of 1961 and RCW 46.72.140; amending section 46.76.020, chapter 12, Laws of 1961 and RCW 46.76.020; amending section 46.76.030, chapter 12, Laws of 1961 and RCW 46.76.030; amending section 46.76.070, chapter 12, Laws of 1961 and RCW 46.76.070; amending section 46.80.020, chapter 12, Laws of 1961 and RCW 46.80.020; amending section 46.80.030, chapter 12, Laws of 1961 and RCW 46.80.030; amending section 46.80.040, chapter 12,

## Motor vehicles.

Laws of 1961 and RCW 46.80.040; amending section 46.80.050, chapter 12, Laws of 1961 and RCW 46.80.050; amending section 46.80.070, chapter 12, Laws of 1961 and RCW 46.80.070; amending section 46.80.080, chapter 12, Laws of 1961 and RCW 46.80.080; amending section 46.80.090, chapter 12, Laws of 1961 and RCW 46.80.090; amending section 46.80.100, chapter 12, Laws of 1961 and RCW 46.80.100; amending section 46.80.110, chapter 12, Laws of 1961 and RCW 46.80.110; amending section 46.80.130, chapter 12, Laws of 1961 as amended by section 1, chapter 117, Laws of 1965 and RCW 46.80.130; amending section 46.80.140, chapter 12, Laws of 1961 and RCW 46.80.140; amending section 46.80.150, chapter 12, Laws of 1961 and RCW 46.80.150; amending section 46.82.010, chapter 12, Laws of 1961 and RCW 46.82.010; amending section 46.82.060, chapter 12, Laws of 1961 as amended by section 4, chapter 214, Laws of 1961 and RCW 46.82.060; amending section 46.82.070, chapter 12, Laws of 1961 as amended by section 2, chapter 214, Laws of 1961 and RCW 46.82.070; amending section 46.82.090, chapter 12, Laws of 1961 and RCW 46.82.090; amending section 46.82.120, chapter 12, Laws of 1961 and RCW 46.82.120; amending section 46.82.190, chapter 12, Laws of 1961 and RCW 46.82.190; amending section 46.82.210, chapter 12, Laws of 1961 and RCW 46.82.210; amending section 3, chapter 106, Laws of 1963 and RCW 46.85.030; amending section 10, chapter 106, Laws of 1963 and RCW 46.85.100; amending section 23, chapter 106, Laws of 1963 and RCW 46.85.230; amending section 29, chapter 106, Laws of 1963 and RCW 46.85.290; directing the recodification of certain sections; repealing section 46.16.005, chapter 12, Laws of 1961 and RCW 46.16.005; adding a new section to chapter 156, Laws of 1965 and to chapter 46.01 RCW; and declaring an emergency.

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

RCW 46.04.370  
amended.

Section 1. Section 46.04.370, chapter 12, Laws of 1961 and RCW 46.04.370 are each amended to read as follows:

Operator or  
driver defined.

“Operator or driver” means every person who is in actual physical control of a motor vehicle upon a public highway.

RCW 46.04.680  
amended.

Sec. 2. Section 46.04.680, chapter 12, Laws of 1961 and RCW 46.04.680 are each amended to read as follows:

“Director” means the director of motor vehicles and “department” means the department of motor vehicles.

Director defined.

Sec. 3. Section 46.08.110, chapter 12, Laws of 1961 and RCW 46.08.110 are each amended to read as follows:

RCW 46.08.110 amended.

The director shall have the power and it shall be his duty upon request and payment of the fee as provided herein to furnish under seal of the director certified copies of any records of the department, except those for confidential use only. The director shall charge and collect therefor the actual cost to the department. Any funds accruing to the director of motor vehicles under this section shall be certified and sent to the state treasurer and by him deposited to the credit of the highway safety fund.

Certified copies of records of department—Fees—Disposition.

Sec. 4. Section 46.08.130, chapter 12, Laws of 1961 and RCW 46.08.130 are each amended to read as follows:

RCW 46.08.130 amended.

The county auditor may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for vehicle driver’s licenses, and copies of issued vehicle driver’s licenses, if any there be, after such records shall have been on file in his office for a period of three years, unless otherwise directed by the director.

County auditor—Destruction of records.

Sec. 5. Section 29, chapter 21, Laws of 1961 first extraordinary session as amended by section 1, chapter 28, Laws of 1965 and RCW 46.08.200 are each amended to read as follows:

RCW 46.08.200 amended.

The director shall, on or before the first day of October of each year, make to the governor a full report of the activities of the department relating to motor vehicle administration for the prior fiscal year, incorporating therein a statement of the program for the ensuing fiscal year. Such report shall contain a statistical analysis of the activities of the

Motor vehicles—Annual report to governor.

department relating to driver licensing and driver improvement, vehicle licensing and liquid fuel tax collections.

RCW 46.12.010 amended.

Sec. 6. Section 46.12.010, chapter 12, Laws of 1961 and RCW 46.12.010 are each amended to read as follows:

Motor vehicles. Certificates of ownership and registration. Certificates required to operate and sell vehicles.

It shall be unlawful for any person to operate any vehicle in this state under a certificate of license registration of this state without securing and having in full force and effect a certificate of ownership therefor and it shall further be unlawful for any person to sell or transfer any vehicle without complying with all the provisions of this chapter relating to certificates of ownership and license registration of vehicles: *Provided*, That the provisions of this section relative to the sale of vehicles shall not apply to the first sale of vehicles by manufacturers and dealers: *Provided Further*, That nothing in this title shall be construed to prevent any person entitled thereto from securing a certificate of ownership upon a vehicle without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of motor vehicles, it is proper to do so.

**NOTE:** See also section 1, chapter 140, Laws of 1967.

RCW 46.12.020 amended.

Sec. 7. Section 46.12.020, chapter 12, Laws of 1961 and RCW 46.12.020 are each amended to read as follows:

Prerequisite to issuance of vehicle license and plates.

No vehicle license number plates or certificate of license registration, whether original issues or duplicates, shall be issued or furnished by the director unless the applicant therefor shall at the same time make satisfactory application for a certificate of ownership or shall present satisfactory evidence that such a certificate of ownership covering such vehicle has been previously issued.

Sec. 8. Section 46.12.030, chapter 12, Laws of 1961 and RCW 46.12.030 are each amended to read as follows:

RCW 46.12.030 amended.

The application for certificate of ownership shall be upon a blank form to be furnished by the director and shall contain:

Motor vehicles.  
Certificate of ownership—  
Application—  
Contents.

(1) A full description of the vehicle, which said description shall contain the manufacturer's serial number if it be a trailer, the motor number or proper identification number if it be a motor vehicle, and any distinguishing marks of identification;

(2) A statement of the nature and character of the applicant's ownership, and the character of any and all encumbrances other than statutory liens upon said vehicle;

(3) Such other information as the director may require: *Provided*, That the director may in any instance, in addition to the information required on said application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either.

Such application shall be subscribed by the applicant and be sworn to by him before a notary public or other officer authorized by law to take acknowledgments of deeds, or other person authorized by the director to certify to the signature of the applicant upon such application.

Sec. 9. Section 46.12.050, chapter 12, Laws of 1961 and RCW 46.12.050 are each amended to read as follows:

RCW 46.12.050 amended.

The director, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have the certificate of ownership thereof in his name, shall thereupon issue an appropriate certificate of ownership, over his signature, authenticated by seal, and a new certificate of license registration if certificate of license registration is required.

Issuance of certificates—  
Contents.

Motor vehicles.  
Issuance of  
certificates—  
Contents.

Both the certificate of ownership and the certificate of license registration shall contain upon the face thereof, the date of issue, the registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner and legal owner, the motor number or proper identification number, if the certificate is for a motor vehicle, or the serial number, if the certificate is for a trailer, and such other description of the vehicle and facts as the director shall require, and in addition thereto, if the vehicle described in such certificates shall have ever been licensed and operated as an exempt vehicle or a taxicab, or if it is less than four years old and has been rebuilt after having been totaled out by an insurance carrier, such fact shall be clearly shown thereon.

A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner.

Upon issuance of the certificate of license registration and certificate of ownership and upon any re-issue thereof, the director shall deliver the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner.

RCW 46.12.100  
amended.

Sec. 10. Section 46.12.100, chapter 12, Laws of 1961 and RCW 46.12.100 are each amended to read as follows:

Sale of transfer  
of vehicle—  
Assignment of  
certificate of  
ownership—  
Penalty.

In the event of the sale or other transfer to a new registered owner of any vehicle for which a certificate of ownership and a certificate of license registration have been issued, the registered and legal owners shall endorse an assignment thereof in form printed thereon, and shall record thereon name of purchaser and date of transaction and shall deliver the same to the purchaser or transferee at the time of the delivery to him of the vehicle. Delivery of a

certificate of title to a purchaser or his agent without at the same time recording the name of the purchaser and the date of the transaction on the assignment form shall constitute a misdemeanor.

**NOTE:** See also section 10, chapter 140, Laws of 1967.

Sec. 11. Section 46.12.200, chapter 12, Laws of 1961 and RCW 46.12.200 are each amended to read as follows:

RCW 46.12.200 amended.

No suit or action shall ever be commenced or prosecuted against the director of motor vehicles or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director under this chapter.

Civil immunity.

Sec. 12. Section 46.12.220, chapter 12, Laws of 1961 and RCW 46.12.220 are each amended to read as follows:

RCW 46.12.220 amended.

Any person who shall alter or forge or cause to be altered or forged any certificate issued by the director pursuant to the provisions of this chapter, or any assignment thereof, or any release or notice of release of any encumbrance referred to therein, or who shall hold or use any such certificate or assignment, or release or notice of release, knowing the same to have been altered or forged, shall be guilty of a felony.

Certificates. Alteration or forgery—Penalty.

Sec. 13. Section 46.12.230, chapter 12, Laws of 1961 and RCW 46.12.230 are each amended to read as follows:

RCW 46.12.230 amended.

Any licensed wrecker in possession of a motor vehicle ten years old or older, and ownership of which or whose owner's residence is unknown, may apply to the director for a permit to junk or wreck such motor vehicle, or any part thereof. Upon such application, a permit may be issued by the director, upon receipt of a fee of one dollar, in a form to be

Permit to wreck junk vehicle—Fee.

prescribed by the director to authorize such wrecker to wreck or junk such vehicle, or any part thereof.

RCW 46.16.020  
amended.

Sec. 14. Section 46.16.020, chapter 12, Laws of 1961 as amended by section 1, chapter 106, Laws of 1965 first extraordinary session and RCW 46.16.020 are each amended to read as follows:

Motor vehicles.  
Vehicle  
licenses. Ex-  
emption—  
Registration—  
School buses.

Any vehicle owned, rented or leased by the state of Washington, or by any county, city, town, school district or other political subdivision of the state of Washington and used exclusively by them, and all vehicles owned by the United States government, or by the government of foreign countries, or by international bodies to which the United States government is a signatory by treaty, and used exclusively in its or their service shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: *Provided, However,* That such vehicles, except those owned and used exclusively by the United States government and which are identified by clearly exhibited registration numbers or license plates assigned by an instrumentality of that government, shall be registered as prescribed for the license registration of other vehicles and shall display upon the vehicles the vehicle license number plates assigned by the director and except in cases of a foreign government or international body shall pay for such number plates a fee of one dollar: *Provided, Further,* That no vehicle license or license number plates shall be issued to any such vehicle under the provisions of this section for the transportation of school children unless and until such vehicle shall have been first personally inspected by the director or his duly authorized representative.

RCW 46.16.030  
amended.

Sec. 15. Section 46.16.030, chapter 12, Laws of 1961 and RCW 46.16.030 are each amended to read as follows:

Except as is herein provided for foreign corporations, the provisions relative to the licensing of vehicles and display of vehicle license number plates and license registration certificates shall not apply to any vehicles owned by nonresidents of this state if the owner thereof has complied with the law requiring the licensing of vehicles in the names of the owners thereof in force in the state, foreign country, territory or federal district of his residence; and the vehicle license number plate showing the initial or abbreviation of the name of such state, foreign country, territory or federal district, is displayed on such vehicle substantially as is provided therefor in this state: *Provided*, That the provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, foreign country, territory or federal district of his residence, like exemptions and privileges are granted to vehicles duly licensed under the laws of and owned by residents of this state. If under the laws of such state, foreign country, territory or federal district, vehicles owned by residents of this state, operating upon the highways of such state, foreign country, territory or federal district, are required to pay the license fee and carry the vehicle license number plates of such state, foreign country, territory or federal district, the vehicles owned by residents of such state, foreign country, territory or federal district, and operating upon the highways of this state, shall comply with the provisions of this state relating to the licensing of vehicles. Foreign corporations owning, maintaining, or operating places of business in this state and using vehicles in connection with such places of business, shall comply with the provisions relating to the licensing of vehicles insofar as vehicles used in connection with such places of business are concerned: *Provided, Further*, That the director

Vehicle  
licenses—  
Nonresident  
exemption—  
Reciprocity—  
Rules and  
regulations.

is empowered to make and enforce rules and regulations for the licensing of nonresident vehicles upon a reciprocal basis and with respect to any character or class of operation.

RCW 46.16.040 amended.

Sec. 16. Section 46.16.040, chapter 12, Laws of 1961 and RCW 46.16.040 are each amended to read as follows:

Motor vehicle licenses. Form of application—Contents.

Application for original vehicle license shall be made on form furnished for the purpose by the director. Such application shall be made by the owner of the vehicle or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge. The application must show:

(1) Name and address of the owner of the vehicle;

(2) Trade name of the vehicle, model, year, type of body, the motor number or identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;

(3) The power to be used—whether electric, steam, gas or other power;

(4) The purpose for which said vehicle is to be used and the nature of the license required;

(5) The maximum gross license for such vehicle which in case of for hire vehicles and auto stages shall be the maximum adult seating capacity thereof, exclusive of the operator, and in cases of motor trucks, trailers and semitrailers shall be the unladen weight of such vehicle to which shall be added the maximum gross load to be carried thereon as set by the applicant, which maximum gross license shall in no event be less than the unladen weight thereof or more than the legal limit for such vehicle as allowed by law;

(6) The weight of such vehicle, if it be a motor truck or trailer, which shall be the shipping weight thereof as given by the manufacturer thereof unless

another weight is shown by weight slip verified by a certified weighmaster, which slip shall be attached to the original application;

(7) Such other information as shall be required upon such application by the director.

**NOTE:** See also section 59, chapter 83, Laws of 1967 ex. sess.

Sec. 17. Section 46.16.137, chapter 12, Laws of 1961 and RCW 46.16.137 are each amended to read as follows:

RCW 46.16.137 amended.

During the months of October, November, December, January, February and March the gross weight license fee of a three-axle truck, a three-axle truck tractor and a two-axle pole trailer used in combination, and a three-axle truck and two-axle trailer used in combination, when such vehicles or combinations of vehicles are licensed to the maximum gross weight provided by law and are used exclusively in the transportation of logs may be purchased for a monthly period. The fee for such a monthly license shall be one-twelfth the annual maximum gross weight fee provided for in RCW 46.16.070 or 46.16.075 in the case of trucks, and one-twelfth of the annual maximum gross weight fee provided for in RCW 46.16.072 in the case of pole trailers. For each fee so paid, other than at the time of the payment of the basic license fee, an additional fee of one dollar and fifty cents shall be charged by the director. The monthly license shall be effective from the first day of the month in which it is purchased, through the last day of that calendar month. The director or his authorized agent shall issue decals stating the month for which the vehicle is licensed, which decals shall be attached by the owner or operator to the license plates of the vehicle and shall be displayed thereon throughout the month for which they are issued. The director is authorized to establish rules and regulations relative to the issuance and display of such decals. No vehi-

Vehicle licenses. Monthly license for transportation of logs—Penalty.

cle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator thereof within five days after the expiration of any such monthly period applies for, and pays the required fee for, a license for an additional monthly period, a three-month period, or for the remainder of the year. Any person who operates any such vehicle upon the public highways after the expiration of said five days, shall be guilty of a misdemeanor, and in addition shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire year's license for operation thereof, less the fees for any period or periods of the year already paid. If, within five days thereafter, no license for a full year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

RCW 46.16.240  
amended.

Sec. 18. Section 46.16.240, chapter 12, Laws of 1961 and RCW 46.16.240 are each amended to read as follows:

Motor vehicle  
license plates.  
Attachment of  
plates to  
vehicle—  
Violations

The vehicle license number plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such a manner that they can be plainly seen and read at all times. Each vehicle license number plate shall be placed or hung in a horizontal position at a distance of not less than one foot nor more than four feet from the ground and shall be kept clean so as to be plainly seen and read at all times: *Provided, However,* That in cases where the body construction of the vehicle is such that compliance with this section is impossible, permission to deviate therefrom may be granted by the state commission on equipment. It shall be unlawful to display upon the front or rear of any vehicle, vehicle license number plate

or plates other than those furnished by the director for such vehicle or to display upon any vehicle any vehicle license number plate or plates which have been in any manner changed, altered, disfigured or have become illegible. It shall be unlawful for any person to operate any vehicle unless there shall be displayed upon such vehicle two valid vehicle license number plates attached as herein provided.

Sec. 19. Section 46.16.260, chapter 12, Laws of 1961 and RCW 46.16.260 are each amended to read as follows:

RCW 46.16.260  
amended.

A certificate of license registration to be valid must have endorsed thereon the signature of the registered owner (if a firm or corporation, the signature of one of its officers or other duly authorized agent), and must be enclosed in a suitable container and attached to the vehicle for which it is issued, at all times in the manner prescribed by the director. When the nature of the vehicle will not permit display in the place prescribed by the director, then such container with certificate therein shall be securely affixed at some conspicuous position upon the vehicle where it can be easily found, read, and inspected at all times by a person on the outside of the vehicle. The container shall have a cover of transparent material through which the certificate may be inspected as to the information shown thereon, including the signature of the registered owner, and it shall be unlawful for any person to operate or have in his possession a vehicle without carrying thereon such certificate of license registration as herein provided. Any person in charge of such vehicle shall, upon demand of any of the local authorities or of any police officer or of any representative of the department, permit an inspection of such certificate of license registration.

License  
registration  
certificate—  
Endorsement—  
Attachment to  
vehicle.

RCW 46.16.280  
amended.

Sec. 20. Section 46.16.280, chapter 12, Laws of 1961 and RCW 46.16.280 are each amended to read as follows:

Motor vehicles.  
Commercial  
vehicles—  
Registration.

In case of loss or destruction, sale or transfer of any for hire vehicle, auto stage, motor truck, trailer, or semitrailer, the registered owner thereof may retain the right to the load license or seat license to apply in licensing such vehicle as may be procured in replacement thereof and in any case of sale or transfer where load or seat license has not been assigned on the certificate of license registration it will be presumed that the same was intended to be retained by the previous registered owner thereof. Whenever during the calendar year any vehicle has been so altered as to change its license classification, in such a manner that the vehicle license number plates are rendered improper therefor, the current vehicle license number plates shall be surrendered to the director and new and proper vehicle license number plates issued on application therefor accompanied by a fee therefor in the amount of one dollar in addition to any other or different charge by reason of licensing under a new classification. Such application shall be on forms prescribed by the director and forwarded with proper fee to his office or the office of his duly authorized agent.

RCW 46.16.320  
amended.

Sec. 21. Section 46.16.320, chapter 12, Laws of 1961 and RCW 46.16.320 are each amended to read as follows:

Motor vehicles.  
Plates for  
amateur radio  
operators.

Every person having a valid official amateur radio operator's license issued for a term of five years by the federal communications commission, is entitled to apply to the director for, and upon satisfactory showing, to receive, in lieu of the regular motor vehicle license plates similar plates bearing the official amateur radio call letters of the applicant assigned by the federal communications commission instead of numbers. In addition to the annual license

fee collected under chapter 46.16 and chapter 82.44 there shall be collected from each applicant for such special license plates an additional license fee of five dollars upon the issue of a state plate but shall not apply on those years that a yearly tab is issued. Application for renewal of the amateur radio operator's call license plate must be made by January 10th of each renewal year and all such applications shall be accompanied by a notarized statement of facts included on the amateur's valid FCC license.

**NOTE:** See also section 80, chapter 145, Laws of 1967 ex. sess.

Sec. 22. Section 46.16.330, chapter 12, Laws of 1961 and RCW 46.16.330 are each amended to read as follows:

RCW 46.16.330 amended.

Whenever the owner of a registered vehicle transfers or assigns his title or interest thereto, the license plates issued under RCW 46.16.320 through 46.16.350 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 plates; otherwise the removed plates shall be immediately forwarded to the director to be reissued later upon payment of the regular license fee.

Amateur radio plates upon transfer of interest in vehicle.

Sec. 23. Section 46.16.340, chapter 12, Laws of 1961 and RCW 46.16.340 are each amended to read as follows:

RCW 46.16.340 amended.

The director, from time to time, shall furnish the state department of civil defense, the Washington state patrol and all county sheriffs a list of the names, addresses and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies.

Lists of amateur radio plates—Distribution.

RCW 46.16.350 amended.

Sec. 24. Section 46.16.350, chapter 12, Laws of 1961 and RCW 46.16.350 are each amended to read as follows:

Motor vehicle license plates— Amateur radio operator.

Any radio amateur operator who holds a special call letter license plate as issued under the provisions of RCW 46.16.320 through 46.16.350, and who has allowed his federal communications commission license to expire, or has had it revoked, must notify the director in writing within thirty days and surrender his call letter license plate. Failure to do so will constitute a gross misdemeanor.

RCW 46.16.370 amended.

Sec. 25. Section 1, chapter 201, Laws of 1961 and RCW 46.16.370 are each amended to read as follows:

Motor vehicles. Special plates for foreign government.

(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 exequator 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 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.

(2) Whenever such owner or lessee as provided in subsection (1) hereof 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 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 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. 26. Section 1, chapter 128, Laws of 1961 and RCW 46.16.380 are each amended to read as follows:

RCW 46.16.380 amended.

Any person who shall submit satisfactory proof to the director that he has lost both of his lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair, shall be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters or numerals indicating that the vehicle is owned by such a privileged person. Whenever such owner transfers or assigns his interest in such vehicle, the special decal shall be removed. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such vehicle. If another vehicle is acquired by such person, a new decal shall be issued by the director. Application for renewal must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special decal. No additional fees shall be charged for the issuance of such special decal. The director shall promulgate such rules and regulations as he deems necessary to carry into effect this section.

Disabled persons—Qualifications.

Any unauthorized use of such distinguishing decal shall constitute a gross misdemeanor.

RCW 46.20.070 amended.

Sec. 27. Section 46.20.070, chapter 12, Laws of 1961 as amended by section 9, chapter 39, Laws of 1963 and RCW 46.20.070 are each amended to read as follows:

Juvenile agricultural driving permits.

Upon receiving a written application on a form provided by the director for permission for a person under the age of sixteen years to operate a motor vehicle under twenty thousand pounds gross weight over and upon the public highways of this state in connection with farm work, the director is hereby authorized to issue a limited driving permit to be known as a juvenile agricultural driving permit, such issuance to be governed by the following procedure:

(1) The application must be signed by the applicant and by the applicant's father, mother or legal guardian.

(2) Upon receipt of the application, the director shall cause an examination of the applicant to be made as by law provided for the issuance of a motor vehicle driver's license.

(3) The director shall cause an investigation to be made of the need for the issuance of such operation by the applicant.

Such permit shall authorize the holder to operate a motor vehicle over and upon the public highways of this state within a restricted farming locality which shall be described upon the face thereof.

A permit issued under this section shall expire one year from date of issue, except that upon reaching the age of sixteen years such person holding a juvenile agricultural driving permit shall be required to make application for a motor vehicle driver's license.

The director shall charge a fee of one dollar for each such permit and renewal thereof to be paid as

by law provided for the payment of motor vehicle driver's licenses and deposited to the credit of the driver education account in the general fund.

The director shall have authority to transfer this permit from one farming locality to another but this does not constitute a renewal of the permit.

The director shall have authority to deny the issuance of a juvenile agricultural driving permit to any person whom he shall determine incapable of operating a motor vehicle with safety to himself and to persons and property.

The director shall have authority to suspend, revoke or cancel the juvenile agricultural driving permit of any person when in his sound discretion he has cause to believe such person has committed any offense for which mandatory suspension or revocation of a motor vehicle driver's license is provided by law.

The director shall have authority to suspend, cancel or revoke a juvenile agricultural driving permit when in his sound discretion he is satisfied the restricted character of the permit has been violated.

Sec. 28. Section 46.20.220, chapter 12, Laws of 1961 and RCW 46.20.220 are each amended to read as follows:

RCW 46.20.220  
amended.

(1) It shall be unlawful for any person to rent a motor vehicle to any other person unless the latter person is then duly licensed as a vehicle driver in this state or in case of a nonresident, then that he is duly licensed as a driver under the laws of the state or country of his residence except a nonresident whose home state or country does not require that a motor vehicle driver be licensed;

Unlawful  
renting. Rental  
record.

(2) It shall be unlawful for any person to rent a motor vehicle to another person until he has inspected the vehicle driver's license of such other person and compared and verified the signature

thereon with the signature of such other person written in his presence;

(3) Every person renting a motor vehicle to another person shall keep a record of the vehicle license number of the motor vehicle so rented, the name and address of the person to whom the motor vehicle is rented, the number of the vehicle driver's license of the person renting the vehicle and the date and place when and where such vehicle driver's license was issued. Such record shall be open to inspection by any police officer or anyone acting for the director.

**NOTE:** See also section 9, chapter 232, Laws of 1967.

RCW 46.20.300 amended.

Sec. 29. Section 46.20.300, chapter 12, Laws of 1961 and RCW 46.20.300 are each amended to read as follows:

Motor vehicle drivers' licenses—Suspension, etc. for extra territorial convictions.

The director of motor vehicles may suspend, revoke, or cancel the vehicle driver's license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be ground for the suspension or revocation of the vehicle driver's license. The director may further, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to the motor vehicle administrator in the state of which the person so convicted is a resident; such record to consist of a copy of the judgment and sentence in the case.

RCW 46.20.320 amended.

Sec. 30. Section 46.20.320, chapter 12, Laws of 1961 and RCW 46.20.320 are each amended to read as follows:

Suspensions. Effect.

Any suspension, revocation, or cancellation of a vehicle driver's license shall be in effect notwithstanding the certificate itself is not delivered over or possession thereof obtained by a court, officer, or the director.

Sec. 31. Section 46.20.380, chapter 12, Laws of 1961 and RCW 46.20.380 are each amended to read as follows:

RCW 46.20.380  
amended.

No person shall file a petition for an occupational operator's license as provided in RCW 46.20.390 unless he shall first pay to the director or other person authorized to accept applications and fees for driver's licenses a fee of ten dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

Occupational  
operator's  
license. Fee.

Sec. 32. Section 46.20.390, chapter 12, Laws of 1961 and RCW 46.20.390 are each amended to read as follows:

RCW 46.20.390  
amended.

Any person who has had or may have his driver's license suspended or revoked because he has been convicted of or has forfeited bail for any first offense relating to motor vehicles, other than negligent homicide or manslaughter, and, if such person is engaged in an occupation or trade making it essential that he operate a motor vehicle, such person may file with any judge of a court of record, justice court, or municipal court having criminal jurisdiction in the county of such person's residence a verified petition, together with the receipt for the fee paid, setting forth in detail his need for operating a motor vehicle. Thereupon, if the petitioner has not been convicted of or has not forfeited bail for any such offense within one year immediately preceding the present conviction or bail forfeiture, which offense in the opinion of the judge is not of such a nature as to preclude the granting of the petition, the judge may order the director to issue an occupational driver's license to such person. A certified copy of the petition together with the order for the license shall be mailed to the director. When the

Procedure.

Occupational  
operator's  
licenses—  
Procedure.

order is issued by such judge, a certified copy thereof shall be given to the petitioner which copy shall serve as a temporary occupational driver's license until the petitioner receives the license issued by the director.

An occupational driver's license shall permit the operation of a motor vehicle not to exceed twelve hours per day and then only when such operation is an essential part of the licensee's occupation or trade. Such license shall be issued for a period of not more than one year.

The order for issuance of an occupational driver's license shall contain definite restrictions as to hours of the day, type of occupation, areas or routes of travel to be permitted under such license and such other conditions as the judge granting the same deems appropriate and that satisfactory proof of financial responsibility has been filed as provided in chapter 46.29.

If such licensee is convicted for operating a motor vehicle in violation of his restrictions, or of a traffic violation which in the opinion of the director is such as would warrant suspension or revocation of such license, or if the judge does not, upon the facts, see fit to permit such person to retain his license, the director shall, upon receipt of notice thereof, revoke such license. Such revocation shall be effective as of the date of such violation, conviction or withdrawal order, and it shall continue with the same force and effect as other revocations under this title.

RCW 46.20.400  
amended.

Sec. 33. Section 46.20.400, chapter 12, Laws of 1961 and RCW 46.20.400 are each amended to read as follows:

When new  
driver's license  
may be  
obtained.

If an occupational driver's license is issued and is not revoked during the period for which issued the licensee may obtain a new driver's license at the end of such period, but no new driver's permit shall be issued to such person until he surrenders his occu-

pational driver's license and his copy of the order and the director is satisfied that he complies with all other provisions of law relative to the issuance of a driver's license.

Sec. 34. Section 46.20.410, chapter 12, Laws of 1961 and RCW 46.20.410 are each amended to read as follows:

RCW 46.20.410 amended.

Any person convicted for violation of any restriction of an occupational driver's license shall in addition to the immediate revocation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment.

Violations—  
Penalty.

Sec. 35. Section 2, chapter 134, Laws of 1961 and RCW 46.20.420 are each amended to read as follows:

RCW 46.20.420 amended.

Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this title shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter.

Operation of  
motor vehicle  
prohibited  
while license  
is suspended  
or revoked.

Sec. 36. Section 2, chapter 120, Laws of 1963 and RCW 46.21.020 are each amended to read as follows:

RCW 46.21.020 amended.

As used in the compact, the term "licensing authority" with reference to this state, shall mean the department of motor vehicles. Said department shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact.

Driver's license  
compact—  
"Licensing  
authority"  
defined.

Sec. 37. Section 11, chapter 169, Laws of 1963 and RCW 46.29.110 are each amended to read as follows:

RCW 46.29.110 amended.

Motor vehicles.  
Financial  
responsibility.  
Security fol-  
lowing acci-  
dent.

In the event that any person required to deposit security under this chapter fails to deposit such security within ten days after the department has sent the notice as hereinbefore provided, the department shall thereupon suspend:

(1) The driver's license of each driver in any manner involved in the accident;

(2) The driver's license of the owner of each vehicle of a type subject to registration under the laws of this state involved in such accident;

(3) If the driver or owner is a nonresident, the privilege of operating within this state a vehicle of a type subject to registration under the laws of this state;

Such suspensions shall be made in respect to persons required by the department to deposit security who fail to deposit such security except as otherwise provided under succeeding section[s] of this chapter.

RCW 46.29.180  
amended.

Sec. 38. Section 18, chapter 169, Laws of 1963 and RCW 46.29.180 are each amended to read as follows:

Application  
of law.

(1) In case the driver or the owner of a vehicle of a type subject to registration under the laws of this state involved in an accident within this state has no driver's license in this state, then such driver shall not be allowed a driver's license until he has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he had held a license or been the owner of a vehicle registered in this state.

(2) When a nonresident's driving privilege is suspended pursuant to RCW 46.29.110, the department shall transmit a certified copy of the record or abstract of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state provided for action in rela-

tion thereto similar to that provided for in subsection (3) of this section.

(3) Upon receipt of such certification that the driving privilege of a resident of this state has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the department to suspend a nonresident's driving privilege had the accident occurred in this state, the department shall suspend the license of such resident. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security.

Sec. 39. Section 30, chapter 169, Laws of 1963 and RCW 46.29.300 are each amended to read as follows:

Whenever the department suspends or revokes a nonresident's driving privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future.

RCW 46.29.300 amended.

Proof of financial responsibility for the future.

Sec. 40. Section 33, chapter 169, Laws of 1963 and RCW 46.29.330 are each amended to read as follows:

The department upon receipt of a certified copy of a judgment and a certificate of facts relative to such judgment, on a form provided by the department, shall forthwith suspend the license and any nonresident's driving privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this chapter.

RCW 46.29.330 amended.

Suspension for nonpayment of judgments.

Sec. 41. Section 35, chapter 169, Laws of 1963 and RCW 46.29.350 are each amended to read as follows:

RCW 46.29.350 amended.

Financial  
responsibility  
—Exception  
when consent  
granted by  
judgment  
creditor.

If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor be allowed a license or nonresident's driving privilege, the same may be allowed by the department, in its discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in RCW 46.29.400, provided the judgment debtor furnishes proof of financial responsibility.

RCW 46.29.360  
amended.

Sec. 42. Section 36, chapter 169, Laws of 1963 and RCW 46.29.360 are each amended to read as follows:

Exception  
when insurer  
liable.

No license or nonresident's driving privilege of any person shall be suspended under the provisions of this chapter if the department shall find that an insurer was obligated to pay the judgment upon which suspension is based, at least to the extent and for the amounts required in this chapter, but has not paid such judgment for any reason. A finding by the department that an insurer is obligated to pay a judgment shall not be binding upon such insurer and shall have no legal effect whatever except for the purpose of administering this section. If the department finds that no insurer is obligated to pay such a judgment, the judgment debtor may file with the department a written notice of his intention to contest such finding by an action in the superior court. In such a case the license or the nonresident's driving privilege of such judgment debtor shall not be suspended by the department under the provisions of this chapter for thirty days from the receipt of such notice nor during the pendency of any judicial proceedings brought in good faith to determine the liability of an insurer so long as the proceedings are being diligently prosecuted to final judgment by such judgment debtor. Whenever in any judicial proceedings it shall be determined by any final

judgment, decree or order that an insurer is not obligated to pay any such judgment, the department, notwithstanding any contrary finding theretofore made by it, shall forthwith suspend the license and any nonresident's driving privilege of any person against whom such judgment was rendered, as provided in RCW 46.29.330.

Sec. 43. Section 37, chapter 169, Laws of 1963 and RCW 46.29.370 are each amended to read as follows: RCW 46.29.370 amended.

Such license and nonresident's driving privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in RCW 46.29.350, 46.29.360 and 46.29.400.

Suspension -  
Duration.

Sec. 44. Section 40, chapter 169, Laws of 1963 and RCW 46.29.400 are each amended to read as follows: RCW 46.29.400 amended.

(1) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

Installment  
payment of  
judgment—  
Default.

(2) The department shall not suspend a license or nonresident's driving privilege, and shall restore any license or nonresident's driving privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtain such an order permitting the payment of such judgment in installments, and while the payment of any said installments is not in default.

RCW 46.29.410 amended.

Sec. 45. Section 41, chapter 169, Laws of 1963 and RCW 46.29.410 are each amended to read as follows:

Financial responsibility — Action if breach of agreement.

In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the department shall forthwith suspend the license or nonresident's driving privilege of the judgment debtor until such judgment is satisfied, as provided in this chapter.

RCW 46.29.430 amended.

Sec. 46. Section 43, chapter 169, Laws of 1963 and RCW 46.29.430 are each amended to read as follows:

Additional proof— Enforcement.

In the event that any person required to give proof of financial responsibility under RCW 46.29.420 fails to give such proof within ten days after the department has sent notice as hereinbefore provided, the department shall suspend, or continue in effect any existing suspension or revocation of, the license or any nonresident's driving privilege of such person.

RCW 46.29.440 amended.

Sec. 47. Section 44, chapter 169, Laws of 1963 as amended by section 6, chapter 124, Laws of 1965 and RCW 46.29.440 are each amended to read as follows:

Suspension to continue until proof given and maintained.

Such license or nonresident's driving privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until such person shall give and thereafter maintain proof of financial responsibility for the future. The furnishing of such proof shall permit such person to operate only a motor vehicle covered by such proof. The department shall endorse appropriate restrictions on the license held by such person or may issue a new license containing such restrictions.

RCW 46.32.010 amended.

Sec. 48. Section 46.32.010, chapter 12, Laws of 1961 and RCW 46.32.010 are each amended to read as follows:

The chief of the Washington state patrol is hereby empowered to constitute, erect, operate and maintain, throughout the state of Washington, stations for the inspection of vehicle equipment, and to set a date, at a reasonable time subsequent to the installation of such stations, when inspection of vehicles shall commence, and it shall be unlawful for any vehicle to be operated over the public highways of this state unless and until it has been approved periodically as to equipment. The chief of the Washington state patrol shall establish periods of vehicle equipment inspection. In the event of any such inspection, the same shall be in charge of a responsible employee of the chief of the Washington state patrol, who shall be duly authorized as a police officer and who shall have authority to secure and withhold, with written notice to the director of motor vehicles, the certificate of license registration and license plates of any vehicle found to be defective in equipment so as to be unsafe or unfit to be operated upon the highways of this state, and it shall be unlawful for any person to operate such vehicle unless and until the same has been placed in a condition satisfactory to subsequent equipment inspection; the police officer in charge of such vehicle equipment inspection station shall grant to the operator of such defective vehicle the privilege to move such vehicle to a place for repair under such restrictions as may be reasonably necessary.

Motor vehicle  
inspection.

In the event any insignia, sticker or other marker should be adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, the same shall be displayed as required by the rules and regulations of the chief of the Washington state patrol and it shall be a gross misdemeanor for any person to mutilate, destroy, remove or otherwise interfere with the display thereof.

Any person who refuses to have his motor vehicle examined, or, after having had it examined, refuses to place a certificate of approval, or a certificate of condemnation, if issued, upon his windshield, or who fraudulently obtains a certificate of approval, or who refuses to place his motor vehicle in proper condition after having had the same examined, or who, in any manner, fails to conform to the provisions of this chapter, shall be guilty of a gross misdemeanor.

Any person who performs false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle, shall be guilty of a gross misdemeanor.

RCW 46.37.005  
amended.

Sec. 49. Section 46.37.005, chapter 12, Laws of 1961 and RCW 46.37.005 are each amended to read as follows:

Motor vehicle  
equipment.  
Commission on  
equipment—  
Powers and  
duties.

There is hereby constituted a state commission on equipment which shall consist of the director of motor vehicles, the chief of the Washington state patrol, and such person as may be designated by the state highway commission.

In addition to those powers and duties elsewhere granted by the provisions of this title the state commission on equipment shall have the power and the duty to adopt, apply and enforce such reasonable rules and regulations (1) relating to proper types of vehicles or combinations thereof for hauling passengers, commodities, freight and supplies, (2) relating to vehicle equipment, and (3) relating to the enforcement of the provisions of this title with regard to vehicle equipment, as may be deemed necessary for the public welfare and safety in addition to but not inconsistent with the provisions of this title.

**NOTE:** See also section 56, chapter 145, Laws of 1967 ex. sess.

RCW 46.44.045  
amended.

Sec. 50. Section 46.44.045, chapter 12, Laws of 1961 as amended by section 34, chapter 21, Laws of

1961 first extraordinary session and RCW 46.44.045 are each amended to read as follows:

(1) Any person violating any of the provisions of RCW 46.44.040 through 46.44.044 shall be guilty of a misdemeanor and upon first conviction thereof shall be fined a basic fine of not less than twenty-five dollars nor more than fifty dollars; upon second conviction thereof shall be fined a basic fine of not less than fifty dollars nor more than one hundred dollars; and upon a third or subsequent conviction shall be fined a basic fine of not less than one hundred dollars.

Size, weight  
and load—  
Penalty for  
violations.

(2) In addition to, but not in lieu of, the above basic fines, such person shall be fined two cents per pound for each pound of excess weight up to five thousand pounds; if such excess weight is five thousand pounds and not in excess of ten thousand pounds, the additional fine shall be three cents per pound for each pound of excess weight; and if the excess weight is ten thousand pounds or over, the additional fine shall be four cents per pound for each pound of excess weight: *Provided*, That upon first conviction, the court in its discretion may suspend the additional fine for excess weight up to five thousand pounds and for excess weight over five thousand pounds may apply the schedule of additional fines as if the excess weight over five thousand pounds were the only excess weight, but in no case shall the basic fine be suspended.

(3) The court may suspend the certificate of license registration of the vehicle or combination of vehicles upon the second conviction for a period of not to exceed thirty days and the court shall suspend the certificate of license registration of the vehicle or combination of vehicles upon a third or subsequent conviction for a period of not less than thirty days. For the purpose of this section bail forfeiture shall be given the same effect as a conviction.

Size, weight  
and load—  
Penalty for  
violations.

tion. For the purpose of suspension of license registration conviction or bail forfeiture shall be on the same vehicle or combination of vehicles during any twelve month period regardless of ownership.

(4) Any person convicted of violating any posted limitations of a highway or section of highway shall be fined not less than one hundred dollars and the court shall in addition thereto suspend the driver's license for not less than thirty days. Whenever the driver's license and/or the certificate of license registration are suspended under the provisions of this section the judge shall secure such certificates and immediately forward the same to the director with information concerning the suspension thereof.

(5) Any other provision of law to the contrary notwithstanding, justice courts having venue shall have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(6) For the purpose of determining additional fines as provided by subsection (2), "excess weight" shall mean the poundage in excess of the maximum gross weight prescribed by RCW 46.44.040 through 46.44.044 plus the weights allowed by RCW 46.44.046, 46.44.047, and 46.44.095.

(7) The basic fine provided in subsection (1) shall be distributed as prescribed in RCW 46.68.050, and for the purpose of computing the basic fines and additional fines to be imposed under the provisions of subsections (1) and (2) the convictions shall be on the same vehicle or combination of vehicles within a twelve months period under the same ownership.

(8) The additional fine for excess poundage provided in subsection (2) shall be transmitted by the court to the county treasurer and by him transmitted to the state treasurer for deposit in the motor

vehicle fund. It shall then be allocated as provided in RCW 46.68.100.

Sec. 51. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 38, chapter 170, Laws of 1965 first extraordinary session and RCW 46.44.095 are each amended to read as follows:

RCW 46.44.095 amended.

When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the state highway commission of a fee of sixty dollars for each two thousand pounds of excess weight: *Provided*, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheelbase requirements specified in RCW 46.44.044.

Motor vehicles. Size, weight and load. Special permits for oversize and over-weight movements—Additional gross load—Fees.

When fully licensed to the maximum gross weight permitted under RCW 46.44.040 and when operated in combination with another vehicle, a three or more axle truck-tractor, a three or more axle truck and a three or more axle dromedary truck-tractor may be eligible under a special permit to be issued by the highway commission to carry additional gross loads beyond the limit specified for such vehicles in RCW 46.44.040 upon the payment of a fee of sixty dollars per two thousand pounds in excess weight but not to exceed one hundred and twenty dollars for the total excess weight: *Provided*, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042: *And provided further*, That the gross weight of a three or more axle truck operated in combination with a two or three-axle trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck-tractor operated in combination

Motor vehicles.  
Size, weight  
and load.  
Special permits  
for oversize  
and over-  
weight  
movements—  
Additional  
gross load—  
Fees.

with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds.

The special permits provided for in this section shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such special permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross load without undue injury to the highway.

The fee for such additional gross weight shall be payable for a twelve month period beginning and ending on April 1st of each calendar year. The additional gross weight provided for herein can be purchased at any time and if purchased on or after July 1st of any year, the fee shall be seventy-five percent of the full annual fee and if purchased on or after October 1st the fee shall be fifty percent of the full annual fee and if purchased on or after January 1st the fee shall be twenty-five percent of the full annual fee.

The state highway commission shall issue such special permits on a temporary basis for periods not less than five days nor more than ten days at a fee of one dollar per day.

The fees levied in RCW 46.44.094 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 within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.84 the fees provided for in RCW 46.44.037 and 46.44.095 shall be computed by the state highway commission 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 46.84 to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The state highway commission shall prorate the fees provided in RCW 46.44.037 and 46.44.095 only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of motor vehicles for purposes of prorating license fees.

**NOTE:** See also section 15, chapter 94, Laws of 1967 ex. sess.

Sec. 52. Section 46.44.100, chapter 12, Laws of 1961 and RCW 46.44.100 are each amended to read as follows:

**RCW 46.44.100  
amended.**

Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing of the same either by means of a portable or stationary scale and may require that such vehicle be driven to the nearest public scale.

**Enforcement—  
Weighing and  
lightening.**

Whenever a police officer, upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may, in addition to any other penalty provided, require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this chapter. All materials unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

It shall be unlawful for any driver of a vehicle to fail or refuse to stop and submit the vehicle and

load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section.

RCW 46.52.020 amended.

Sec. 53. Section 46.52.020, chapter 12, Laws of 1961 and RCW 46.52.020 are each amended to read as follows:

Motor vehicles. Accidents and reports. Duty in case of injury or death of person or damage to attended vehicle.

(1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section;

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section;

(3) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and vehicle license number and shall exhibit his vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his behalf. Under no circum-

stances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident;

(4) Any person failing to stop or to comply with any of the requirements of subdivision (3) of this section under said circumstances shall, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment: *Provided*, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith;

(5) Upon notice of conviction of any person under the provisions of this section, the vehicle driver's license of the person so convicted shall be revoked by the director.

Sec. 54. Section 46.52.030, chapter 12, Laws of 1961 as amended by section 1, chapter 119, Laws of 1965 first extraordinary session and RCW 46.52.030 are each amended to read as follows:

RCW 46.52.030  
amended.

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent of one hundred dollars or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns, the original of such report to be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of motor vehicles at

Motor vehicles  
—Accident  
reports.

Motor vehicles  
—Accident  
reports.

Olympia, Washington. The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, and the amounts of property damage claimed. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

RCW 46.52.040  
amended.

Sec. 55. Section 46.52.040, chapter 12, Laws of 1961 and RCW 46.52.040 are each amended to read as follows:

Report  
when driver  
disabled.

Whenever the driver of the vehicle involved in any accident, concerning which accident report is required, is physically incapable of making the required accident report and there is another occupant other than a passenger for hire therein, in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be

made such report. Upon recovery such driver shall make such report in the manner required by law.

Sec. 56. Section 46.52.060, chapter 12, Laws of 1961 and RCW 46.52.060 are each amended to read as follows:

RCW 46.52.060 amended.

It shall be the duty of the chief of the Washington state patrol to file, tabulate and analyze all accident reports and to publish annually, immediately following the close of each calendar year, and monthly during the course of the calendar year, statistical information based thereon showing the number of accidents, the location, the frequency and circumstances thereof and other statistical information which may prove of assistance in determining the cause of vehicular accidents.

Tabulation and analysis of reports—Availability for use.

Such accident reports and analysis or reports thereof shall be available to the director of motor vehicles, the highway commission, the public service commission, or their duly authorized representatives, for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to publish information so derived as may be deemed of publication value.

Sec. 57. Section 46.52.070, chapter 12, Laws of 1961 and RCW 46.52.070 are each amended to read as follows:

RCW 46.52.070 amended.

Any police officer of the state of Washington or of any county, city, town or other political subdivision, present at the scene of any accident or in possession of any facts concerning any accident whether by way of official investigation or otherwise shall make report thereof in the same manner as required of the parties to such accident and as fully as the facts in his possession concerning such accident will permit.

Police officer's reports of accidents.

RCW 46.52.080  
amended.

Sec. 58. Section 46.52.080, chapter 12, Laws of 1961 as amended by section 3, chapter 119, Laws of 1965 first extraordinary session and RCW 46.52.080 are each amended to read as follows:

Motor vehicles  
—Accident  
reports—  
Reports  
confidential.

All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the county prosecuting attorney and chief of police or county sheriff, as the case may be, and the director of motor vehicles and the chief of the Washington state patrol, and other officer or commission as authorized by law, except that any such officer shall disclose the names and addresses of persons reported as involved in an accident or as witnesses thereto, the vehicle license plate numbers and descriptions of vehicles involved, and the date, time and location of an accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, any person injured therein, the owner of vehicles or property damaged thereby, or any authorized representative of such an interested party, or the attorney or insurer thereof. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the chief of the Washington state patrol solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law.

RCW 46.52.090  
amended.

Sec. 59. Section 46.52.090, chapter 12, Laws of 1961 and RCW 46.52.090 are each amended to read as follows:

Any person, firm, corporation or association engaged in the business of repair to motor vehicles or any person, firm, corporation or association which may at any time engage in the 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

Accident  
reports by  
storagemen,  
repairmen and  
appraisers—  
Violations—  
Penalties.

Accident reports by storage men, repairmen and appraisers—Violations—Penalties.

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.

RCW 46.52.100 amended.

Sec. 60. Section 46.52.100, chapter 12, Laws of 1961 and RCW 46.52.100 are each amended to read as follows:

Records of traffic charges—Reports of convictions by court—Venue in justice courts—Driving under influence of liquor or drugs—Penalty.

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 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 and the amount of fine or forfeiture resulting from every said traffic complaint or citation depos-

ited with or presented to the justice of the peace, police judge, superior court or traffic violations bureau.

The Monday following the conviction or forfeiture of bail of a person upon a charge of violating 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 or bail was forfeited shall prepare and immediately forward to the director of motor vehicles at Olympia an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, 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 conviction 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, or whether bail forfeited and the amount of the fine or forfeiture 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.

Records of traffic charges—Reports of convictions by court—Venue in justice courts—Driving under influence of liquor or drugs—Penalty.

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 narcotic drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

If a driver has a record of two or more convictions or forfeitures of the offense of operating a vehicle under the influence of or affected by the use of intoxicating liquor or any narcotic drug within a five year period, he shall, upon conviction, be fined not less than one hundred dollars and not more than one thousand dollars, and shall be sentenced to not less than thirty days and not more than one year in the county jail and neither fine nor sentence shall be suspended; and the court shall revoke the driver's license.

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.

RCW 46.52.110 amended.

Sec. 61. Section 46.52.110, chapter 12, Laws of 1961 as last amended by section 2, chapter 23, Laws of 1965 first extraordinary session and RCW 46.52.110 are each amended to read as follows:

Stolen and abandoned vehicles.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of every incorporated city and town of this state, constables and members of the Washington state

patrol to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

Stolen and  
abandoned  
vehicles—  
Reports of—  
Notice—Sale—  
Violations,  
penalties.

In the event that any motor vehicle reported as stolen has been recovered, the person so reporting the same as stolen shall be guilty of a misdemeanor unless he shall report the recovery thereof to the sheriff, chief of police, or other chief police officer to whom such motor vehicle was reported as stolen.

Upon receipt of such information the chief of the Washington state patrol shall file the same in a "stolen vehicle index." He shall also file any reports of vehicles stolen in other states and reported to him as such. It shall be the duty of the chief of the Washington state patrol to keep a file record of all vehicles reported to him as recovered.

The chief of the Washington state patrol shall publish at least once a month a list of all vehicles reported as stolen and not reported as having been recovered and all abandoned vehicles and forward a copy of such list to every sheriff in this state, the chief of police or chief police officer of every incorporated city and town with a population in excess of three thousand inhabitants, each member of the Washington state patrol and the cognizant state officer of each state in the United States.

Such information shall be provided by the chief of the Washington state patrol for the use of the director of motor vehicles as will permit the director to check the motor or serial number set forth in any application for certificate of ownership or certificate of license registration against such "stolen vehicle index" and no such certificates shall be issued upon any vehicle recorded as stolen and the director shall immediately inform the chief of the Washington

Stolen and  
abandoned  
vehicles—  
Reports of—  
Notice—Sale—  
Violations,  
penalties.

state patrol of any application upon any such vehicle.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of each incorporated city and town, members of the Washington state patrol and constables to report to the chief of the Washington state patrol all vehicles found abandoned on a public highway or at any other place and the same shall be taken into the custody of the sheriff of the county wherein found abandoned and stored and the same shall, for the purposes of listing the same, be considered as a recovered vehicle. Personal notice that such vehicle has been found abandoned shall be forwarded to the registered and legal owners of such vehicle if any record of registered or legal owner thereof exists in this state. In the event there appears to be a registered or legal ownership thereof in another state the sheriff shall send notice thereof to the official having cognizance of issuing legal or registered ownerships in such other state. If, at the expiration of twenty days from the date of mailing such notices by registered or certified mail with return receipt requested, the vehicle remains unclaimed and has not been reported as a stolen vehicle, then the same may be sold at public auction either at the site of the vehicle or at such place on county property as the board of county commissioners may direct upon notice published in one issue of a paper of general circulation in the county in which such vehicle has been found abandoned, such publication to describe the vehicle and set forth the place, date and time at which such vehicle shall be put up for public auction, which date shall be not sooner than three days following the date of such publication. Any surplus accruing at said sale after deducting the cost of placing the vehicle in custody, advertising and selling the same, shall be held for the owner a period of

ten days and if not claimed by the expiration thereof shall be certified one-half to the county treasurer of such county to be placed in the county current expense fund and one-half to the state treasurer to be credited to the highway safety fund.

If no bids are received at said sale the sheriff shall deliver the vehicle to the garage operators who may be entitled to reimbursement for towing and storing the vehicle. In this event such garage operators may dispose of all or any part of the vehicle as they may determine.

Any vehicle left in a garage for storage more than fifteen days where the same has not been left by the registered owner under a contract of storage and has not during such period been removed by the person leaving the same shall be an abandoned vehicle and shall be delivered to the sheriff of the county with notice of such fact. Any garage keeper failing to report such fact to the sheriff and tender delivery to him of such vehicle at the end of fifteen days shall thereby forfeit any claims for the storage of such vehicle. All such vehicles considered abandoned by being left in a garage shall be disposed of in accordance with the procedure prescribed above for abandoned vehicles.

Except for the forfeiture of claim for storage as set forth herein for failure to report vehicle left in excess of fifteen days, nothing in this section shall be construed to impair any lien for storage accruing to a garage keeper under other law of this state.

Sec. 62. Section 46.52.120, chapter 12, Laws of 1961 and RCW 46.52.120 are each amended to read as follows:

RCW 46.52.120  
amended.

It shall be the duty of the director to keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each, showing all the convictions certified by the courts and an index cross reference record of each

Case records  
of convictions.

Case records of convictions—  
Cross reference to accident reports.

accident reported relating to such individuals with a brief statement of the cause of such accident, which index cross reference record shall be furnished to the director, by the chief of the Washington state patrol, with reference to each driver involved in the reported accidents. Such records shall be for the confidential use of the director and the chief of the Washington state patrol and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of director, suspending, revoking, canceling, or refusing vehicle driver's license. It shall be the duty of the director to tabulate and analyze vehicle driver's case records and to suspend, revoke, cancel, or refuse any vehicle driver's license to any person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director may order the vehicle driver's license of any such person suspended, revoked, or canceled, or shall refuse the issuance of vehicle driver's license, such suspension, revocation, cancellation, or refusal shall be final and effective unless appeal from the decision of the director shall be taken as provided by law.

RCW 46.52.130 amended.

Sec. 63. Section 27, chapter 21, Laws of 1961 first extraordinary session as amended by section 65, chapter 169, Laws of 1963 and RCW 46.52.130 are each amended to read as follows:

Abstract of driving record.

The director shall upon request furnish any insurance company or its agent, having or considering the issuance of a policy of insurance a certified abstract of the driving record of any person, covering a period of not less than five years past, whenever possible, which abstract shall include an enumeration of motor vehicle accidents in which such person

has been involved and any reported convictions or forfeitures of bail of such person upon a charge of violating any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation served upon such person by an arresting officer. In addition thereto the director shall furnish such record to the person whose driving record is involved, upon such person's request.

Abstract of driving record to be furnished insurance company—Consent of operator—Fee.

The director shall collect for each such abstract the sum of one dollar fifty cents which shall be deposited in the motor vehicle drivers' records revolving fund.

Any insurance company or its agent receiving such certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information therein contained to a third party.

Any violation of this section shall be a misdemeanor, punishable by a fine of one hundred dollars.

**NOTE:** See also section 2, chapter 174, Laws of 1967.

Sec. 64. Section 28, chapter 21, Laws of 1961 first extraordinary session as amended by section 66, chapter 169, Laws of 1963 and RCW 46.52.140 are each amended to read as follows:

RCW 46.52.140 amended.

There is hereby created a special fund to be designated "motor vehicle drivers' revolving fund" in the custody of the treasurer and to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be for the use of the department of motor vehicles to pay the cost of furnishing abstracts of driving records of motor vehicle drivers, for maintaining such case records and for administering the financial responsibility laws of this state. Disbursements from said fund shall be paid by the treasurer upon vouchers duly and regularly issued therefor and approved by the director.

Motor vehicle drivers' revolving fund—Use.

**NOTE:** See also section 6, chapter 174, Laws of 1967.

RCW 46.61.020 amended.

Sec. 65. Section 46.56.190, chapter 12, Laws of 1961 and RCW 46.61.020 are each amended to read as follows:

Motor vehicles. Rules of the road—Refusal to give information to or cooperate with officer.

It shall be unlawful for any person while operating or in charge of any vehicle to refuse when requested by a police officer to give his name and address and the name and address of the owner of such vehicle, or for such person to give a false name and address, and it shall likewise be unlawful for any such person to refuse or neglect to stop when signaled to stop by any police officer or to refuse upon demand of such police officer to produce his certificate of license registration of such vehicle or his vehicle driver's license or to refuse to permit such officer to take any such license or certificate for the purpose of examination thereof or to refuse to permit the examination of any equipment of such vehicle or the weighing of such vehicle or to refuse or neglect to produce the certificate of license registration of such vehicle or his vehicle driver's license when requested by any court. Any police officer shall on request produce evidence of his authorization as such.

RCW 46.61.265 amended.

Sec. 66. Section 46.60.260, chapter 12, Laws of 1961 and RCW 46.61.265 are each amended to read as follows:

Pedestrian rights and duties. Blind pedestrians.

It shall be unlawful for the driver of any vehicle to drive into or upon any crosswalk while there is on such crosswalk, any pedestrian wholly or partially blind, crossing or attempting to cross the roadway, if such pedestrian indicates his intention to cross or of continuing on, with a timely warning by holding up or waving a white cane or walking stick. The failure of any such pedestrian so to signal shall not deprive him of the right of way accorded him by other laws.

Sec. 67. Section 59, chapter 155, Laws of 1965 first extraordinary session and RCW 46.61.500 are each amended to read as follows:

(1) Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

Sec. 68. Section 62, chapter 155, Laws of 1965 first extraordinary session and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of (a) driving a motor vehicle while under the influence of intoxicating liquor or (b) driving a motor vehicle while under the influence of a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle shall be punished by imprisonment for not less than five days nor more than one year, and by a fine of not less than fifty dollars nor more than five hundred dollars.

On a second or subsequent conviction of either offense within a five year period he shall be punished by imprisonment for not less than thirty days nor more than one year and by a fine of not less than one hundred dollars nor more than one thousand dollars, and neither the jail sentence nor the fine shall be suspended. If such person at the time of a second or subsequent conviction is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

(2) The license or permit to drive or any nonresident privilege of any person convicted of either of the offenses named in subsection (1) above shall:

(a) Be suspended by the department for not less than thirty days;

(b) On a second conviction under either such offense within a five year period, be suspended by the department for not less than sixty days after the termination of such person's jail sentence;

(c) On a third or subsequent conviction under either such offense within a five year period, be revoked by the department.

(3) In any case provided for in this section, where a driver's license is to be revoked or suspended, such revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case such conviction is sustained on appeal such revocation or suspension shall take effect as of the date that the conviction becomes effective for other purposes.

RCW 46.61.525  
amended.

Sec. 69. Section 46.56.030, chapter 12, Laws of 1961 and RCW 46.61.525 are each amended to read as follows:

Operating  
motor vehicle  
in reckless  
manner.

It shall be unlawful for any person to operate a motor vehicle in a negligent manner over and along the public highways of this state. For the purpose of this section to "operate in a negligent manner" shall be construed to mean the operation of a vehicle upon the public highways of this state in such a manner as to endanger or be likely to endanger any persons or property.

The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner. Any person violating the provisions of this section will be guilty

of a misdemeanor: *Provided*, That the director shall not revoke any license under this section.

Sec. 70. Section 46.64.015, chapter 12, Laws of 1961 and RCW 46.64.015 are each amended to read as follows:

RCW 46.64.015 amended.

Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a misdemeanor, the arresting officer may serve upon him a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements of RCW 46.64.010, and in addition, shall include spaces for the name and address of the person arrested, the license number of the vehicle involved, the driver's license number of such person, if any, the offense charged, the time and place where such person shall appear in court, and a place where the person arrested may sign. Such spaces shall be filled with the appropriate information by the arresting officer. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written promise to appear in court as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer. Upon the arrested person's failing or refusing to sign such written promise, he may be taken into custody of such arresting officer and so remain or be placed in confinement: *Provided*, That an officer shall not serve or issue any traffic citation or notice for any offense or violation except when said offense or violation is committed in his presence.

Citation. Issu-  
ance—Contents  
—Written  
promise—  
Arrest.

Sec. 71. Section 23, chapter 121, Laws of 1965 first extraordinary session and RCW 46.64.025 are each amended to read as follows:

RCW 46.64.025 amended.

Whenever any person has for a period of fifteen or more days violated his written promise to appear in court, the court in which the defendant so prom-

Nonappear-  
ance after  
written  
promise.

Motor vehicles  
—Criminal  
procedures.

ised to appear shall forthwith give notice of such fact to the department of motor vehicles. Whenever thereafter the case in which such promise was given is adjudicated the court hearing the case shall file with the department a certificate showing that the case has been adjudicated.

RCW 46.64.030  
amended.

Sec. 72. Section 46.64.030, chapter 12, Laws of 1961 and RCW 46.64.030 are each amended to read as follows:

Procedure  
governing  
arrest and  
prosecution.

The provisions of this title with regard to the apprehension and arrest of persons violating this title shall govern all police officers in making arrests without a warrant for violations of this title for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for other like offenses.

RCW 46.68.010  
amended.

Sec. 73. Section 46.68.010, chapter 12, Laws of 1961 and RCW 46.68.010 are each amended to read as follows:

Disposition of  
revenue.  
Refunds of  
erroneous  
license fees.

Whenever any license fee, paid under the provisions of this title, shall have been erroneously paid, wholly or in part, the person paying the same, upon satisfactory proof to the director of motor vehicles, shall be entitled to have refunded the amount so erroneously paid. Upon such refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto: *Provided*, That no claim for refund shall be allowed for such erroneous payments unless filed with the director within thirteen months after such claimed erroneous payment was made.

RCW 46.68.090  
amended.

Sec. 74. Section 46.68.090, chapter 12, Laws of 1961 as amended by section 5, chapter 7, Laws of

1961 first extraordinary session and RCW 46.68.090 are each amended to read as follows: Motor vehicle fund "net tax amount".

All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and use fuel tax shall be first expended for the following purposes:

(1) For payment of refunds of motor vehicle fuel tax and use fuel tax which has been paid and is refundable as provided by law;

(2) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor and the department of motor vehicles of the state of Washington in the administration of the motor vehicle fuel tax and the use fuel tax, said sums to be distributed monthly.

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the use fuel tax and remaining after payments as provided in subsections (1) and (2) above shall, for the purposes of this chapter, be referred to as the "net tax amount."

Sec. 75. Section 46.68.120, chapter 12, Laws of 1961 as amended by section 12, chapter 120, Laws of 1965 first extraordinary session and RCW 46.68.120 are each amended to read as follows: RCW 46.68.120 amended.

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows: Motor vehicle fund. Distribution of amount allocated to counties.

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the state highway commission and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof: *Provided*, That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

Motor vehicle fund. Distribution of amount allocated to counties.

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of the department of motor vehicles for the year next preceding the date of calculation of the allocation amounts. The director of the department shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955 and on October 1st of each odd-numbered year thereafter

furnish the state highway commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the highway commission and the joint fact-finding committee on highways, streets and bridges shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the board of county commissioners. The first allocation of funds shall be based on the

Motor vehicle fund. Distribution of amount allocated to counties.

following prorated estimated annual costs per trunk mile for the several counties as follows:

Adams .....	\$1,227.00
Asotin .....	1,629.00
Benton .....	1,644.00
Chelan .....	2,224.00
Clallam .....	2,059.00
Clark .....	1,710.00
Columbia .....	1,391.00
Cowlitz .....	1,696.00
Douglas .....	1,603.00
Ferry .....	1,333.00
Franklin .....	1,612.00
Garfield .....	1,223.00
Grant .....	1,714.00
Grays Harbor .....	2,430.00
Island .....	1,153.00
Jefferson .....	2,453.00
King .....	2,843.00
Kitsap .....	1,938.00
Kittitas .....	1,565.00
Klickitat .....	1,376.00
Lewis .....	1,758.00
Lincoln .....	1,038.00
Mason .....	1,748.00
Okanogan .....	1,260.00
Pacific .....	2,607.00
Pend Oreille .....	1,753.00
Pierce .....	2,276.00
San Juan .....	1,295.00
Skagit .....	1,966.00
Skamania .....	2,023.00
Snohomish .....	2,269.00
Spokane .....	1,482.00
Stevens .....	1,068.00
Thurston .....	1,870.00
Wahkiakum .....	2,123.00
Walla Walla .....	1,729.00

Whatcom .....	1,738.00
Whitman .....	1,454.00
Yakima .....	1,584.00

*Provided, however,* That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the highway commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department and the annual reports of the county road departments.

(f) The “money need factor” for each of the several counties shall be the difference between the prorated estimated annual costs as listed above and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a ten mill tax levy on the valuation, as equalized by the state tax commission for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the highway commission by the state treasurer for that purpose. The tax commission and the state treasurer shall supply the information herein requested on or before January 1, 1956 and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the “money need factor” of the

Motor vehicle fund. Distribution of amount allocated to counties.

several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The state highway commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required.

(h) The highway commission and the joint fact-finding committee on highways, streets and bridges shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The highway commission and the joint fact-finding committee on highways, streets and bridges shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated.

(2) Average costs per trunk mile.

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted.

(4) Reassessment of bridge costs based on current information and relogging of bridges.

(5) The items in the list of resources used in determining the "need factor."

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs.

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

Sec. 76. Section 46.70.020, chapter 12, Laws of 1961 as amended by section 2, chapter 68, Laws of 1965 and RCW 46.70.020 are each amended to read as follows:

RCW 46.70.020 amended.

It shall be unlawful for any person to carry on or conduct business as a dealer unless he shall have:

Motor vehicle dealers' licenses. Licenses re-quired.

(1) Applied for and received from the director a license to do so;

(2) An established place of business which is occupied or is to be occupied for the purpose of conducting business as a dealer, at which is kept and maintained the books, records and files of the business;

(3) An office and display area identified by a sign; and

(4) Shall allow representatives or agents of the director of motor vehicles access to all books, records, and files for the purpose of inspection during normal business hours.

**NOTE:** See also section 30, chapter 74, Laws of 1967 ex. sess.

Sec. 77. Section 46.70.060, chapter 12, Laws of 1961 and RCW 46.70.060 are each amended to read as follows:

RCW 46.70.060 amended.

The fee for original dealer license for each calendar year or fraction thereof shall be as follows: Automobile dealers, fifty dollars; miscellaneous dealers, twenty-five dollars, which shall include one set of dealer license plates, and which may be renewed annually for a fee of twenty dollars for automobile dealers and for a fee of ten dollars for miscellaneous dealers: *Provided*, That any dealer who is otherwise eligible and during the year 1958 has

License fees—Dealers' plates.

obtained a dealer's license shall be permitted to obtain a renewal of license and pay therefor the renewal fee as herein provided. Additional sets of the dealer license plates, bearing the same license number, may be obtained for three dollars per set. If any dealer shall fail or neglect to apply for such renewal prior to February 1st in each year, his license shall be declared canceled by the director, in which case the dealer will be required to apply for an original license and pay the fee required for such original license. The fees prescribed herein shall be in addition to any excise taxes imposed by chapter 82.44.

**NOTE:** See also section 26, chapter 74, Laws of 1967 ex. sess.

RCW 46.70.110  
amended.

Sec. 78. Section 46.70.110, chapter 12, Laws of 1961 and RCW 46.70.110 are each amended to read as follows:

Motor vehicle  
dealers'  
licenses—  
Refusal, sus-  
pension, revo-  
cation of  
license—Hear-  
ing—Appeal.

Upon receipt of complaint or other information by the director that an applicant should not be licensed or that a dealer has violated any of the provisions of this chapter he may call a hearing to give the person affected an opportunity to show cause why his application for license should not be refused or why his license should not be revoked or suspended. Notice of the hearing shall be given in writing by registered mail to the holder or applicant for such license and shall designate a time and place for the hearing before the director which shall not be less than ten days from the date of said notice. The director may require the attendance of any witnesses or documents by issue of subpoenas upon motion either of the department or the person affected, and shall make a record of the proceedings and of the testimony. Should the director decide that any person is not entitled to a dealer's license or that an existing license should be suspended or revoked, the applicant or holder may within thirty days from the date of the decision of the director, appeal to the superior court of the county of the

dealer's residence for a review on the record of such decision, filing a notice of such appeal with the clerk of such superior court and at the same time filing a copy of such notice with the director. On receipt of such notice, the director shall prepare, certify and forward to the court the record of the proceedings.

**NOTE: See also section 30, chapter 74, Laws of 1967 ex. sess.**

Sec. 79. Section 46.70.140, chapter 12, Laws of 1961 and RCW 46.70.140 are each amended to read as follows:

RCW 46.70.140 amended.

Any dealer who shall knowingly buy or receive, sell or dispose of, conceal or have in his possession, any motor vehicle, trailer, or motorcycle from which the motor or serial number has been removed, defaced, covered, altered or destroyed, or any dealer, who shall remove from or install in any motor vehicle a new or used motor block without immediately notifying the director of such fact upon a form provided by him, or any motor vehicle dealer who shall loan or permit the use of dealer plates by any person not entitled to the use thereof, shall be guilty of a gross misdemeanor.

Violations—Penalty.

Sec. 80. Section 46.72.020, chapter 12, Laws of 1961 and RCW 46.72.020 are each amended to read as follows:

RCW 46.72.030 amended.

No for hire operator shall cause operation of a for hire vehicle upon any highway of this state without first obtaining a permit from the director of motor vehicles. Application for a permit shall be made on forms provided by the director and shall include (1) the name and address of the owner or owners, and if a corporation, the names and addresses of the principal officers thereof; (2) city, town or locality in which any vehicle will be operated; (3) name and motor number of any vehicle to be operated; (4) the endorsement of a city official authorizing an operator under a law or ordinance requiring

Transportation of passengers in for hire vehicles—Permit required.

a license; and (5) such other information as the director may require.

RCW 46.72.030 amended.

Sec. 81. Section 46.72.030, chapter 12, Laws of 1961 and RCW 46.72.030 are each amended to read as follows:

For hire vehicles—Permit fee—Issuance—Display.

Application for a permit shall be forwarded to the director with a fee of five dollars. Upon receipt of such application and fee, the director shall, if such application be in proper form, issue a permit authorizing the applicant to operate for hire vehicles upon the highways of this state until such owner ceases to do business as such, or until the permit is suspended or revoked. Such permit shall be displayed in a conspicuous place in the principal place of business of the owner.

RCW 46.72.040 amended.

Sec. 82. Section 46.72.040, chapter 12, Laws of 1961 and RCW 46.72.040 are each amended to read as follows:

Surety bond.

Before a permit is issued every for hire operator shall be required to deposit and thereafter keep on file with the director a surety bond running to the state of Washington covering each and every for hire vehicle as may be owned or leased by him and used in the conduct of his business as a for hire operator. Such bond shall be in the sum of one thousand dollars for any recovery for death or personal injury by one person, and ten thousand dollars for all persons killed or receiving personal injury by reason of one act of negligence, and one thousand dollars for damage to property of any person other than the assured, with a good and sufficient surety company licensed to do business in this state as surety and to be approved by the director, conditioned for the faithful compliance by the principal of said bond with the provisions of this chapter, and to pay all damages which may be sustained by any person injured by reason of any careless negligence

or unlawful act on the part of said principal, his agents or employees in the conduct of said business or in the operation of any motor propelled vehicle used in transporting passengers for compensation on any public highway of this state.

Sec. 83. Section 46.72.050, chapter 12, Laws of 1961 and RCW 46.72.050 are each amended to read as follows:

RCW 46.72.050 amended.

In lieu of the surety bond as provided in this chapter, there may be deposited and kept on file and in force with the director a public liability insurance policy covering each and every motor vehicle operated or intended to be so operated, executed by an insurance company licensed and authorized to write such insurance policies in the state of Washington, assuring the applicant for a permit against property damage and personal liability to the public, with the premiums paid and payment noted thereon. Said policy of insurance shall provide a minimum coverage equal and identical to the coverage required by the aforesaid surety bond. No provisions of this chapter shall be construed to limit the right of any injured person to any private right of action against a for hire operator as herein defined.

Liability coverage—  
Right of action saved.

Sec. 84. Section 46.72.070, chapter 12, Laws of 1961 and RCW 46.72.070 are each amended to read as follows:

RCW 46.72.070 amended.

The director shall approve and file all bonds and policies of insurance. The director shall, upon receipt of fees and after approving the bond or policy, furnish the owner with an appropriate certificate which must be carried in a conspicuous place in the vehicle at all times during for hire operation. A for hire operator shall secure a certificate for each for hire vehicle operated and pay therefor a fee of one dollar for each vehicle so registered. Such permit or certificate shall expire on June 30th of each year,

Certificate—  
Fee.

and may be annually renewed upon payment of a fee of one dollar.

RCW 46.72.080  
amended.

Sec. 85. Section 46.72.080, chapter 12, Laws of 1961 and RCW 46.72.080 are each amended to read as follows:

For hire ve-  
hicles—Substi-  
tution of  
security—New  
certificate.

In the event the owner substitutes a policy or bond after a for hire certificate has been issued, a new certificate shall be issued to the owner. The owner shall submit the substituted bond or policy to the director for approval, together with a fee of one dollar. If the director approves the substituted policy or bond, a new certificate shall be issued. In the event any certificate has been lost, destroyed or stolen, a duplicate thereof may be obtained by filing an affidavit of loss and paying a fee of fifty cents.

RCW 46.72.100  
amended.

Sec. 86. Section 46.72.100, chapter 12, Laws of 1961 and RCW 46.72.100 are each amended to read as follows:

Refusal, sus-  
pension or  
revocation of  
permit or  
certificate—  
Penalty for  
unlawful  
operation.

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 homicide; (4) intemperate or addicted to the use of narcotics.

Notice of the director to refuse, suspend or revoke such permit or certificate shall be given by registered mail to the holder or applicant for such permit or certificate and shall designate a time and place for hearing before the director, which shall not be less than ten days from the date of such

notice. Should the director, after such hearing, decide that a permit shall be canceled or revoked, he shall notify said holder or applicant to that effect by registered 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 decision by filing a copy of said notice with the clerk of said superior court and a copy of such 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 operate 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 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. 87. Section 46.72.110, chapter 12, Laws of 1961 and RCW 46.72.110 are each amended to read as follows:

RCW 46.72.110 amended.

All fees received by the director under the provisions of this chapter shall be transmitted by him, together with a proper identifying report, to the state treasurer to be deposited by the state treasurer in the highway safety fund.

Fees to highway safety fund.

Sec. 88. Section 46.72.120, chapter 12, Laws of 1961 and RCW 46.72.120 are each amended to read as follows:

RCW 46.72.120 amended.

The director is empowered to make and enforce such rules and regulations as may be consistent with and necessary to carry out the provisions of this chapter.

Rules and regulations.

RCW 46.72.130 amended.

Sec. 89. Section 46.72.130, chapter 12, Laws of 1961 and RCW 46.72.130 are each amended to read as follows:

For hire vehicles—Non-resident taxicabs. Permit—Fees—Compliance.

No operator of a taxicab licensed or possessing a permit in another state to transport passengers for hire, and principally engaged as a for hire operator in another state, shall cause the operation of a taxicab upon any highway of this state without first obtaining an annual permit from the director upon an application accompanied with an annual fee of twenty dollars for each taxicab. The issuance of a permit shall be further conditioned upon compliance with this chapter.

RCW 46.72.140 amended.

Sec. 90. Section 46.72.140, chapter 12, Laws of 1961 and RCW 46.72.140 are each amended to read as follows:

Permit required for entry.

All law enforcement officers shall refuse every taxicab entry into this state which does not have a certificate from the director on the vehicle.

RCW 46.76.020 amended.

Sec. 91. Section 46.76.020, chapter 12, Laws of 1961 and RCW 46.76.020 are each amended to read as follows:

Motor vehicle transporters. License.

Application for a transporter's license shall be made on a form provided for that purpose by the director of motor vehicles and when executed shall be forwarded to the director together with the proper fee. The application shall contain the name and address of the applicant and such other information as the director may require.

RCW 46.76.030 amended.

Sec. 92. Section 46.76.030, chapter 12, Laws of 1961 and RCW 46.76.030 are each amended to read as follows:

Issuance of license—Plates.

Upon receiving an application for transporter's license the director, if satisfied that the applicant is entitled thereto, shall issue a proper certificate of license registration and a distinctive set of license

plates and shall transmit the fees obtained therefor with a proper identifying report to the state treasurer, who shall deposit such fees in the motor vehicle fund. The certificate of license registration and license plates issued by the director shall authorize the holder of the license to drive or tow any motor vehicle or trailers upon the public highways.

Sec. 93. Section 46.76.070, chapter 12, Laws of 1961 and RCW 46.76.070 are each amended to read as follows: RCW 46.76.070 amended.

The director may make any reasonable rules or regulations not inconsistent with the provisions of this chapter relating to the enforcement and proper operation of this chapter. Rules and regulations.

Sec. 94. Section 46.80.020, chapter 12, Laws of 1961 and RCW 46.80.020 are each amended to read as follows: RCW 46.80.020 amended.

Any motor vehicle wrecker, as defined herein, who shall engage in the business of wrecking motor vehicles or trailers without having first applied for and received a license from the director of motor vehicles authorizing him so to do shall be guilty of a gross misdemeanor, and upon conviction shall be punished by imprisonment for not less than thirty days or more than one year in jail or by a fine of one thousand dollars. Motor vehicle wreckers—License required—Penalty.

Sec. 95. Section 46.80.030, chapter 12, Laws of 1961 and RCW 46.80.030 are each amended to read as follows: RCW 46.80.030 amended.

Application for a motor vehicle wrecker's license shall be made on a form for this purpose, furnished by the director, and shall be signed by the motor vehicle wrecker or his authorized agent and shall include the following information: Application for license.

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

Motor vehicle wreckers.

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town having a population of over five thousand persons or a member of the Washington state patrol certifying that the applicant has an established place of business at the address shown on the application;

(4) Any other information that the director may require.

**NOTE:** See also section 1, chapter 13, Laws of 1967 ex. sess.

RCW 46.80.040 amended.

Sec. 96. Section 46.80.040, chapter 12, Laws of 1961 and RCW 46.80.040 are each amended to read as follows:

Issuance of license—Fee.

Such application, together with a fee of twenty-five dollars, and a surety bond as hereinafter provided, shall be forwarded to the director. Upon receipt of the application the director shall, if the application be in order, issue a motor vehicle wrecker's license authorizing him to do business as such and forward the fee, together with an itemized and detailed report, to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed in his place of business, where it may be inspected by an investigating officer at any time.

RCW 46.80.050 amended.

Sec. 97. Section 46.80.050, chapter 12, Laws of 1961 and RCW 46.80.050 are each amended to read as follows:

Renewal—Fee.

A license issued on this application shall remain in force until suspended or revoked and may be renewed annually upon payment of a renewal fee of ten dollars. Any motor vehicle wrecker who fails or neglects to renew his license prior to July 1, shall be required to pay the fee for an original motor vehicle wrecker license as provided in this chapter.

Whenever a motor vehicle wrecker shall cease to do business as such or his license has been suspended or revoked, he shall immediately surrender such license to the director.

**NOTE:** See also section 2, chapter 13, Laws of 1967 ex. sess.

Sec. 98. Section 46.80.070, chapter 12, Laws of 1961 and RCW 46.80.070 are each amended to read as follows: RCW 46.80.070 amended.

Before issuing a motor vehicle wrecker's license, Surety bond. the director shall require the applicant to file with said director a surety bond in the amount of one thousand dollars, running to the state of Washington and executed by a surety company authorized to do business in the state of Washington. Such bond shall be approved as to form by the attorney general and conditioned that such wrecker shall conduct his business in conformity with the provisions of this chapter. Any person who shall have suffered any loss or damage by reason of fraud, carelessness, neglect or misrepresentation on the part of the wrecking company, shall have the right to institute an action for recovery against such motor vehicle wrecker and surety upon such bond: *Provided*, That the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond.

Sec. 99. Section 46.80.080, chapter 12, Laws of 1961 and RCW 46.80.080 are each amended to read as follows: RCW 46.80.080 amended.

Every motor vehicle wrecker shall maintain books or files in which he shall keep a record and a description of every vehicle wrecked, dismantled, disassembled or substantially altered by him, together with the name of the person, firm or corporation from whom he purchased the vehicle. Such record shall also contain: Records to be kept.

(1) The certificate of title number (if previously titled in this or any other state);

Motor vehicle  
wreckers—  
Records to be  
kept.

- (2) Name of state where last registered;
- (3) Number of the last license number plate issued;
- (4) Name of vehicle;
- (5) Motor or identification number and serial number of the vehicle;
- (6) Date purchased;
- (7) Disposition of the motor and chassis, and such other information as the director may require. Such record shall be subject to inspection at all times by members of the police department, sheriff's office and members of the Washington state patrol. A motor vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the motor vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported.

RCW 46.80.090  
amended.

Sec. 100. Section 46.80.090, chapter 12, Laws of 1961 and RCW 46.80.090 are each amended to read as follows:

Reports to  
director of  
motor vehicles  
—Penalty.

Within thirty days after a vehicle has been acquired by the motor vehicle wrecker it shall be the duty of such motor vehicle wrecker to furnish a written report to the director on forms furnished by him. This report shall be in such form as the director shall prescribe and shall be accompanied by the certificate of title, if the vehicle has been last registered in a state which issues a certificate, or a record of registration if registered in a state which does not issue a certificate of title. No motor vehicle wrecker shall acquire a vehicle without first obtaining such record or title. It shall be the duty of the motor vehicle wrecker to furnish a monthly report of all vehicles wrecked, dismantled, disassembled, or sub-

stantially changed in form by him. This report shall be made on forms prescribed by the director and contain such information as the director may require. This statement shall be signed by the motor vehicle wrecker or his authorized representative and the facts therein sworn to before a notary public. Any motor vehicle wrecker who fails, neglects or refuses to furnish these monthly reports shall be guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment of not more than six months or by both fine and imprisonment.

Sec. 101. Section 46.80.100, chapter 12, Laws of 1961 and RCW 46.80.100 are each amended to read as follows:

RCW 46.80.100 amended.

If, after issuing a motor vehicle wrecker's license, the bond is canceled by the surety in a method provided by law, the director shall immediately notify the principal covered by such bond by registered mail and afford him the opportunity of obtaining another bond before the termination of the original and should such principal fail, neglect or refuse to obtain such replacement, the director may cancel or suspend the motor vehicle wrecker's license which has been issued to him under the provisions of this chapter.

Cancellation of surety bond, effect.

Sec. 102. Section 46.80.110, chapter 12, Laws of 1961 and RCW 46.80.110 are each amended to read as follows:

RCW 46.80.110 amended.

If for a good and sufficient cause the director has reason to believe that the application for motor vehicle wrecker's license should be denied, he may refuse to issue such license and shall notify the applicant to that effect. The director may suspend or revoke a motor vehicle wrecker's license whenever he shall have reason to believe that such motor vehicle wrecker has:

Motor vehicle wreckers license—Refusal, suspension, revocation—Review.

Motor vehicle wreckers license—Refusal, suspension, revocation—Review.

(1) Wilfully misrepresented the physical condition of any motor or integral part of a motor vehicle;

(2) Sold or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;

(3) Committed forgery on a certificate of title covering a vehicle that has been reassembled from parts obtained from the disassembling of other vehicles;

(4) Committed any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer or part thereof.

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 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.

**NOTE:** See also section 3, chapter 13, Laws of 1967 ex. sess.

RCW 46.80.130 amended.

Sec. 103. Section 46.80.130, chapter 12, Laws of 1961 as amended by section 1, chapter 117, Laws of 1965 and RCW 46.80.130 are each amended to read as follows:

It shall be unlawful for any motor vehicle wrecker to keep any motor vehicle or any integral

part thereof in any place other than the established place of business, designated in the certificate issued by the director, without permission of the director, and all premises containing such motor vehicles or parts thereof shall be enclosed by a wall or fence of such height as to obscure the nature of the business carried on therein where and to the extent reasonably permitted by the topography of the land, painted or stained a neutral shade which shall blend in with the surrounding premises, such wall or fence to be kept in good repair. A living hedge of sufficient density to prevent a view of the confined area may be substituted for such a wall or fence. Any dead or dying portion of such hedge shall be replaced.

Place of business must be exclusively used.

**NOTE:** See also section 4, chapter 13, Laws of 1967 ex. sess.

Sec. 104. Section 46.80.140, chapter 12, Laws of 1961 and RCW 46.80.140 are each amended to read as follows:

RCW 46.80.140 amended.

The director is hereby authorized to promulgate and adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter.

Rules and regulations.

Sec. 105. Section 46.80.150, chapter 12, Laws of 1961 and RCW 46.80.150 are each amended to read as follows:

RCW 46.80.150 amended.

It shall be the duty of the chiefs of police in cities having a population of over five thousand persons, and members of the Washington state patrol, to make periodic inspection of the motor vehicle wrecker's 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.

Inspection of records.

**NOTE:** See also section 5, chapter 13, Laws of 1967 ex. sess.

Sec. 106. Section 46.82.010, chapter 12, Laws of 1961 and RCW 46.82.010 are each amended to read as follows:

RCW 46.82.010 amended.

For the purpose of this chapter:

Motor vehicles.  
Driver's train-  
ing schools.  
Definitions.

“Drivers’ school” means a commercial automomobile training school engaged in the business of giving instruction for hire in the operation of automobiles.

“Director” means the director of motor vehicles of the state of Washington.

“Instructor” means any natural person employed by a drivers’ school to instruct persons in the operation of automobiles.

“Place of business” means a designated location at which the business of a drivers’ school is transacted and its records are kept.

“Person” includes an individual, firm, corporation, partnership or association.

RCW 46.82.060  
amended.

Sec. 107. Section 46.82.060, chapter 12, Laws of 1961 as amended by section 4, chapter 214, Laws of 1961 and RCW 46.82.060 are each amended to read as follows:

Suspension,  
revocation or  
refusal of  
school license  
—“Fraudulent  
practices” de-  
fined.

The director, or any employee of the department of motor vehicles deputized by him for such purposes, may suspend or revoke a drivers’ school license or refuse to issue a renewal thereof for any of the following causes:

(1) The conviction of the licensee of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(2) Where the licensee has made a material false statement or concealed a material fact in connection with his application for the license or a renewal thereof;

(3) Where the licensee has failed to comply with any of the provisions of this chapter or any of the rules and regulations of the director made pursuant thereto;

(4) Where the licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing another to resort to fraud or fraudulent practices in

relation to securing for himself or another a license to drive an automobile. The term "fraudulent practices" as used in this section shall include, but not be limited to, any conduct or representation on the part of the licensee tending to induce anyone to believe, or to give the impression that a license to operate an automobile, or any other license, registration or service granted by the director, may be obtained by any means other than the ones prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, exacting, or collecting money for such purpose.

Notwithstanding the renewal of a license, the director may revoke or suspend such license for causes and violations, as prescribed by this section, occurring during the two license periods immediately preceding the renewal of such license.

Sec. 108. Section 46.82.070, chapter 12, Laws of 1961 as amended by section 2, chapter 214, Laws of 1961 and RCW 46.82.070 are each amended to read as follows:

RCW 46.82.070  
amended.

Except where a refusal to issue a license or renewal, or revocation or suspension, is based solely on a court conviction or convictions, a licensee or applicant shall have an opportunity to be heard, such hearing to be held within ten days of the refusal to issue, revoke or suspend said license and the director must within five days after the hearing issue a decision on said refusal to render, revoke or suspend. A license may, however, be temporarily suspended without notice, pending any prosecution, investigation or hearing. A licensee or applicant entitled to a hearing shall be given due notice thereof. The sending of a notice of a hearing by registered mail to the last known address of a licensee or applicant ten days prior to the date of the hearing shall be deemed due notice. The director, or the person deputized by him to conduct a hearing, shall have

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Procedure—  
Exemption.

Driver's training schools.

power to subpoena witnesses, administer oaths to witnesses and take testimony of any person or cause depositions to be taken. A subpoena issued under the authority of this section shall be served in the same manner as a subpoena issued out of a court of record. Witnesses subpoenaed hereunder and persons, other than officers or employees in the department making service of such subpoenas shall be entitled to the same fees and mileage as are allowed in civil actions in courts of law.

RCW 46.82.090 amended.

Sec. 109. Section 46.82.090, chapter 12, Laws of 1961 and RCW 46.82.090 are each amended to read as follows:

Prerequisites before instruction may be given student.

Instruction in the operation of an automobile shall not be given to a student in any drivers' school licensed under the provisions of this chapter unless:

(1) The automobiles used for instruction purposes are equipped with dual controls for foot brake and clutch, or foot brake only in automatic cars.

(2) The licensee has filed with the director evidence of liability insurance coverage with an insurance company authorized to do business in this state in an amount of not less than twenty thousand dollars because of bodily injury or death to two or more persons in any one accident, and not less than ten thousand dollars because of bodily injury or death to one person in one accident and not less than five thousand dollars because of property damage to others in one accident. Such insurance coverage shall be maintained in full force and effect and the director shall be notified at least ten days prior to cancellation or expiration of any such policy of insurance;

(3) The student to be instructed possesses a current and valid temporary instruction permit issued pursuant to RCW 46.20.091 or a motor vehicle driver's license.

Sec. 110. Section 46.82.120, chapter 12, Laws of 1961 and RCW 46.82.120 are each amended to read as follows:

RCW 46.82.120 amended.

No person, including the owner, operator, partner, officer, or stockholder of a drivers' school shall give instruction for hire in the operation of a motor vehicle unless such person is the holder of an instructor's certificate issued by the director. No instructor's certificates shall be issued to any person unless such person:

Instructor's certificate—Qualifications for issuance.

- (1) Is the possessor of a valid motor vehicle driver's license;
- (2) Has had at least five years' licensed driving experience;
- (3) Has completed an acceptable application and has taken the examination for an instructor's certificate as prescribed in RCW 46.82.140, and passed such examination with a qualifying grade.

Sec. 111. Section 46.82.190, chapter 12, Laws of 1961 and RCW 46.82.190 are each amended to read as follows:

RCW 46.82.190 amended.

To be qualified to take the examination for an instructor's certificate, the applicant must:

Instructor's certificate—Qualification to take examination.

- (1) Be a licensed motor vehicle driver for five years prior to the date of application. The examining committee shall have the right to examine the driving records of the applicant and from these records shall determine if the applicant is properly qualified, not having had any convictions involving drunkenness, recklessness, or negligence, or have been convicted of any crime involving moral turpitude;
- (2) Be a high school graduate or the equivalent, and over twenty-five years of age.

Sec. 112. Section 46.82.210, chapter 12, Laws of 1961 and RCW 46.82.210 are each amended to read as follows:

RCW 46.82.210 amended.

Drivers' training schools—  
When school must terminate instructor's services.

A drivers' school must terminate the services of any instructor upon:

- (1) Suspension or revocation of the motor vehicle driver's license of such instructor for any reason;
- or
- (2) Conviction of such instructor of a crime involving moral turpitude, violence, dishonesty, deceit, indecency, or degeneracy.

RCW 46.85.030 amended.

Sec. 113. Section 3, chapter 106, Laws of 1963 and RCW 46.85.030 are each amended to read as follows:

Reciprocal or proportional registration of vehicles. Reciprocity commission created.

The reciprocity commission, hereby created, shall consist of the director of motor vehicles, the chief of the Washington state patrol, a designee of the state highway commission and, ex officio, the chairman and vice chairman of the joint fact-finding committee on highways, streets and bridges, or their duly designated representatives. Members of the western interstate highway policy committee from the state of Washington shall be advisory members of the reciprocity commission, and may attend meetings and conferences of the commission in such capacity, but shall not vote as members thereof. The department shall provide such assistance and facilities to the commission as it may require. The members of the commission shall receive no additional compensation for their services except that they shall be allowed their actual and necessary expenses incurred in the performance of their official duties to be paid from funds made available for the use of the commission. The commission shall have the authority to execute agreements, arrangements or declarations to carry out the provisions of this chapter.

RCW 46.85.100 amended.

Sec. 114. Section 10, chapter 106, Laws of 1963 and RCW 46.85.100 are each amended to read as follows:

All agreements, arrangements or declarations or amendments thereto shall be in writing and shall be

filed in the office of the reciprocity commission. A copy of each agreement, arrangement or declaration, or amendment thereto, shall be filed by the reciprocity commission in the office of the director within ten days after execution or the effective date of the instrument whichever is later. Upon becoming effective, they shall supersede the provisions of RCW 46.16.030 to the extent that they are inconsistent therewith. The department shall provide copies for public distribution upon request.

Agreements to be written, filed and available for distribution.

Sec. 115. Section 23, chapter 106, Laws of 1963 and RCW 46.85.230 are each amended to read as follows:

RCW 46.85.230 amended.

Any owner eligible for proportional registration and licensing pursuant to this chapter but who is unable in the opinion of the reciprocity commission to comply with the reporting and application requirements thereof, may subject to prior approval of the commission and in lieu of registration of such vehicles under the provisions of chapter 46.16 RCW, and payment of excise taxes and fees imposed by chapter 82.44 RCW and RCW 81.80.320, apply to the director for issuance of a special "floater" license plate.

Floater license plate—Authorized—Prerequisite.

Sec. 116. Section 29, chapter 106, Laws of 1963 and RCW 46.85.290 are each amended to read as follows:

RCW 46.85.290 amended.

All special reciprocity identification plates shall be obtained by the director in the manner prescribed in RCW 46.16.230 and shall be issued by the director or his authorized agent upon application in the form prescribed in RCW 46.16.040. One reciprocity identification plate shall be issued for each vehicle. The fee therefor shall be two dollars plus a filing fee of fifty cents. All funds collected under this section shall be transmitted to the state treasurer and deposited in the motor vehicle fund.

Special reciprocity identification plate—Application—Issuance—Fee, deposit.

New section.

Sec. 117. There is added to chapter 156, Laws of 1965 and to chapter 46.01 RCW a new section to read as follows:

Supervisor of professional licensing—Appointment.

The director of motor vehicles shall appoint and deputize an assistant director to be known as the supervisor of professional licensing, who shall have charge and supervision of the division of professional licensing. With the approval of the director, he may appoint and employ, subject to the provisions of chapter 41.06 RCW, the state civil service law, such other assistants and personnel as may be necessary to carry on the work of the division.

Legislative codification directive.

Sec. 118. Sections 3, 4 and 5 as herein amended and RCW 46.08.120 shall be recodified as a part of chapter 46.01 RCW. RCW 46.20.340 shall be recodified as a part of chapter 46.12 RCW. RCW 46.61.695 shall be recodified as a part of chapter 46.64 RCW.

Repeal.

Sec. 119. Section 46.16.005, chapter 12, Laws of 1961 and RCW 46.16.005 are each hereby repealed.

Emergency.

Sec. 120. 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, 1967.

Passed the House March 9, 1967.

Approved by the Governor March 15, 1967.

CHAPTER 33.

[House Bill No. 787.]

PUBLICATION OF SESSION LAWS.

AN ACT relating to the publication of session laws of the state of Washington; making an appropriation; and declaring an emergency.

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

Section 1. There is hereby appropriated out of the general fund the sum of thirty-seven thousand nine hundred ten dollars, or so much thereof as may be necessary, for the reproduction, printing and mailing of the temporary publication of the session laws of the Washington state legislature and the proofreading of the bound volume edition of the session laws.

Appropriation.  
Temporary  
session laws—  
Printing.

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.

Emergency.

Passed the House March 6, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor, March 15, 1967.

CHAPTER 34.

[Engrossed House Bill No. 511.]

ADOPTING THE INTERSTATE AGREEMENT  
ON DETAINERS.

AN ACT relating to criminal procedure; providing for the clearing of detainees based on untried indictments, informations and complaints lodged against persons incarcerated in this state and in other jurisdictions; adopting the agreement on detainees.

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

Criminal procedure. Interstate agreement on detainees.

Section 1. The agreement on detainees is hereby enacted into law and entered into by this state with all other jurisdictions legally joining therein in the form substantially as follows:

TEXT OF THE AGREEMENT ON DETAINERS

The contracting states solemnly agree that:

ARTICLE I

The party states find that charges outstanding against a prisoner, detainees based on untried indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainees based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainees, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

## ARTICLE II

As used in this agreement:

(a) "State" shall mean a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to Article III hereof or at the time that a request for custody or availability is initiated pursuant to Article IV hereof.

(c) "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to Article III or Article IV hereof.

## ARTICLE III

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint: *Provided*, That for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the

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term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of correction or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of correction or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of correction or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, infor-

mation or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

#### ARTICLE IV

(a) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Article V (a) hereof upon presentation of a written request for temporary custody or availability to the appropriate

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authorities of the state in which the prisoner is incarcerated: *Provided*, That the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request: *Provided further*, That there shall be a period of thirty days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this Article, trial shall be commenced within one hundred twenty days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in this Article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the

ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Article V (e) hereof, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

#### ARTICLE V

(a) In response to a request made under Article III or Article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in Article III of this agreement. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

- (i) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given.
- (ii) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and

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on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations or complaints which form the basis of the detainer or detainees or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or effect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

#### ARTICLE VI

(a) In determining the duration and expiration dates of the time periods provided in Articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.

## ARTICLE VII

Criminal  
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Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide within and without the state, information necessary to the effective operation of this agreement.

## ARTICLE VIII

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

## ARTICLE IX

This agreement shall be liberally construed so as to effectuate its purposes. 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 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 agreement and the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement 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. 2. The phrase "appropriate court" as used in the agreement on detainers shall, with reference to the courts of this state, mean any court with criminal jurisdiction.

"Appropriate court" defined.

Sec. 3. All courts, departments, agencies, officers and employees of this state and its political subdivisions are hereby directed to enforce the agreement on detainers and to cooperate with one another and with other party states in enforcing the agreement and effectuating its purposes.

Enforcement and cooperation of agreement enjoined.

Sec. 4. Escape from custody while in another state pursuant to the agreement on detainers shall constitute an offense against the laws of this state to the same extent and degree as an escape from the institution in which the prisoner was confined immediately prior to having been sent to another state pursuant to the provisions of the agreement on detainers and shall be punishable in the same manner as an escape from said institution.

Escape—Penalty.

Sec. 5. It shall be lawful and mandatory upon the warden or other official in charge of a penal or correctional institution in this state to give over the person of any inmate thereof whenever so required by the operation of the agreement on detainers.

Mandatory for warden to give over prisoner when required.

Sec. 6. The governor is hereby authorized and empowered to designate and appoint a state officer to act as the administrator who shall perform the duties and functions and exercise the powers conferred upon such person by Article VII of the agreement on detainers.

Governor to appoint state officer to act as administrator.

Sec. 7. In order to implement Article IV (a) of the agreement on detainers, and in furtherance of its purposes, the appropriate authorities having cus-

Officer's written request for prisoner—  
Notice—advising prisoner of rights.

tody of the prisoner shall, promptly upon receipt of the officer's written request, notify the prisoner and the governor in writing that a request for temporary custody has been made and such notification shall describe the source and contents of said request. The authorities having custody of the prisoner shall also advise him in writing of his rights to counsel, to make representations to the governor within thirty days, and to contest the legality of his delivery.

Transmittal of copies of act upon approval.

Sec. 8. Copies of this act shall, upon its approval, be transmitted by the secretary of state to the governor of each state, to the attorney general and the secretary of state of the United States, and the council of state governments.

Passed the House February 22, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 15, 1967.

## CHAPTER 35.

[Engrossed House Bill No. 438.]

PUBLIC BUILDINGS—DESIGN FOR USE BY  
THE HANDICAPPED AND AGED.

AN ACT relating to new public buildings and those undergoing major remodeling paid for at least in part by public funds; requiring said buildings to adhere to written architectural standards to make them safer for and more usable by the aging and physically handicapped.

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

Section 1. It is the intent of the legislature that hereafter, and notwithstanding the provisions of any existing law to the contrary, every plan and specification for the erection of any public building by the state or any agency or political subdivision thereof, or plan or specification for any building erected in part through the use of public funds, and to be used by the public, shall make provision for the following:

Public works—  
Provisions for  
handicapped—  
Submission of  
plan and  
specification.

(1) Access into and within said buildings to accommodate the aging, as well as physically handicapped persons;

(2) Toilet facilities designed for use by the physically handicapped; and

(3) Those facilities specified by the rules and regulations issued in accordance with law by the respective administrative authorities designated in section 6 of this act.

Sec. 2. The standards and specifications set forth in this act shall apply to all buildings and facilities used by the public which are constructed, remodeled or rehabilitated by the use of state, county or municipal funds, in whole or in part, or the funds, in whole or in part, of any subdivision of the state. All such buildings and facilities constructed in this state after the effective date of this act shall conform to

Application  
of act.

each of the standards and specifications prescribed herein, excepting in the case of those buildings or facilities for which contracts for the planning or design have been awarded prior to the effective date, and unless the administrative authority determines, after considering all circumstances applying to the building, that full compliance is impracticable. This act shall apply to temporary or emergency construction as well as permanent buildings.

Public works—  
provisions for  
handicapped—  
Rules and reg-  
ulations—  
Standards—  
Waiver.

Sec. 3. The rules and regulations duly promulgated by each respective administrative authority specified in section 6 of this act shall be the minimum standards and specifications required by this act, and shall be in conformity with the most approved methods for providing facilities required by this act. The booklet entitled "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped" (U.S. Patent A117.1-1961), approved October 1961, by the American Standards Association, Incorporated, shall be considered and used as far as is practicable in determining such approved methods.

Each administrative authority enumerated in Section 6 of this act shall, as soon as practicable after the effective date of this act, obtain an authentic copy of the standards referred to in the first paragraph hereof and promulgate the necessary rules, regulations and standards to effectuate this act. Such administrative authority shall annually thereafter obtain a new set of such standards including therein any modifications and changes that have been made during the previous year in order to make such revisions as it deems necessary to keep its rules, regulations and standards current. Compliance with such rules, regulations and standards shall be prima facie evidence of compliance with the provisions of this act.

In cases of practical difficulty, unnecessary hardship or extreme differences, the administrative authorities responsible for the enforcement of this act may grant exceptions from the literal requirements of the standard specifications required by this act to permit the use of other methods or materials when in the opinion of the administrative authorities substantial compliance with the provisions of this act will be secured.

Nothing in this act shall be construed to limit the authority or power of any county, city, town or political subdivision of the state to enact and enforce under power and authority given by law, any ordinance, rule or regulation requiring equal, higher or better standards and specifications than those required by this act.

Sec. 4. (1) Existing public buildings undergoing major remodeling or rehabilitation, after the effective date of this act, shall meet the requirements of this act except where the administrative authority determines that the full compliance is impracticable. However, those buildings and facilities for which contracts for the planning or design have been awarded prior to the effective date of this act shall not be required to meet the requirements of this act.

Remodeling or  
modification—  
Application.

(2) The standards and specifications shall be applicable only to those portions or parts of the building being remodeled or rehabilitated.

Sec. 5. (1) Approval of the administrative authority shall be secured before the awarding of construction contracts for any building covered by this act.

Approval of  
administering  
authority.

Sec. 6. The responsibility for enforcement of this act shall be as follows:

Responsibility  
for enforce-  
ment.

(1) Where state school funds are utilized, enforcement responsibility shall vest in the superintendent of public instruction.

(2) Where state funds are utilized, enforcement responsibility shall vest in the state agency having the statutory authority for the design and construction of buildings covered by this act.

(3) Where funds of counties, municipalities or other political subdivisions of the state are utilized, enforcement responsibility shall vest in the respective governing bodies thereof.

Passed the House February 24, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 15, 1967.

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CHAPTER 36.

[Engrossed House Bill No. 444.]

STATE CANAL COMMISSION—PER DIEM.

AN ACT relating to the state canal commission; and amending section 3, chapter 123, Laws of 1965 extraordinary session and RCW 91.12.030.

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

RCW 91.12.030 amended.

Section 1. Section 3, chapter 123, Laws of 1965 extraordinary session and RCW 91.12.030 are each amended to read as follows:

State canal commission—Compensation.

Commission members shall receive a per diem of twenty-five dollars and shall be reimbursed for their necessary travel.

Passed the House March 2, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 15, 1967.

## CHAPTER 37.

[House Bill No. 79.]

## SALE OF PROSSER ARMORY.

AN ACT relating to state government; authorizing the sale of the Prosser armory; and providing for the disposition of funds received from the sale.

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

Section 1. The state military department is authorized to sell the present state armory, land and building, in the city of Prosser legally described as Lots 12, 13, and 14 of block 85 of Prosser, according to the recorded plat thereof, situate in lot 7 of section 2 township 8 north, range 24 east W.M., according to the United States government survey, which sale shall be by and under the direction of the adjutant general in accordance with the procedures provided by law.

State govern-  
ment. Military  
department.  
Sale of Prosser  
Armory.

After complying with the provisions of section 3 of this act, the consideration received from the sale authorized in section 1 hereof shall be deposited to the account of the general fund in the state treasury and to be set aside and utilized for the purchase of real property for the use of the military department of the state of Washington.

Before any sale under the provisions of this act shall be made the property shall be appraised by two independent competent real estate appraisers. Any sale pursuant to the provisions of this act shall be made to the best bidder for a price not less than the appraised value of said property and pursuant to a call for bids published at least 15 days prior to the date fixed for the sale in one issue of a newspaper printed and published in the county in which the armory is located.

Sec. 2. The disposition of the present armory shall in all respects be subject to the approval of the

Disposition and  
execution of  
documents.

governor and any instrument or instruments necessary in effecting the sale of and conveying of title to such real property shall be executed by the governor on behalf of the state of Washington in form approved by the attorney general.

Reimburse-  
ment of  
federal  
investment.

Sec. 3. The state military department is further authorized to negotiate with the federal government for the purpose of arriving at a mutually agreed price for the federal investment in the building presently existing on the Prosser armory site. Following the sale of the site, the state military department shall pay over to the federal government, from the funds received, an amount equal to the mutually agreed price.

Passed the House March 6, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 15, 1967.

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CHAPTER 38.

[House Bill No. 494.]

IMPORTATION OF LIQUOR FOR PERSONAL USE.

AN ACT relating to importation of intoxicating liquor for personal or household use; and adding a new section to chapter 62, Laws of 1933, extraordinary session, and to chapter 66.12 RCW.

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

New section.

Section 1. There is added to chapter 62, Laws of 1933, extraordinary session, and to chapter 66.12 RCW a new section to read as follows:

Alcoholic bev-  
erage control.  
Import. Per-  
sonal exemp-  
tion.

A person twenty-one years of age or over may bring into the state from without the United States, free of tax and markup, for his personal or household use such alcoholic beverages as have been de-

clared and permitted to enter the United States duty free under federal law.

Passed the House February 17, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 15, 1967.

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## CHAPTER 39.

[House Bill No. 405.]

### EXEMPTIONS FROM JURY SERVICE.

AN ACT relating to persons exempt from jury service; and amending section 2, chapter 57, Laws of 1911 and RCW 2.36.080.

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

Section 1. Section 2, chapter 57, Laws of 1911 and RCW 2.36.080 are each amended to read as follows:

RCW 2.36.080 amended.

Officers of the United States and of the state, attorneys at law, school teachers, practicing physicians, licensed embalmers, active members of the fire and police departments of any municipality, and all persons over sixty years of age, shall not be compelled to serve as jurors; and in preparing jury lists, the names of such persons, other than persons over sixty years of age, shall, if it be known that they are entitled to be excused from jury service, be omitted from the jury list: *Provided*, That the right of any such person to be excused from jury service shall not be cause for challenge as to his competency if he desires to serve.

Courts.  
Exemptions  
from jury  
service.

Passed the House February 7, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 15, 1967.

CHAPTER 40.

[House Bill No. 32.]

COPYRIGHT.

AN ACT relating to copyrighted works; and amending section 4, chapter 218, Laws of 1937 and RCW 19.24.040.

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

RCW 19.24.040 amended.

Section 1. Section 4, chapter 218, Laws of 1937 and RCW 19.24.040 are each amended to read as follows:

Business regulations. Copyright. Listing of pooled copyrighted works required.

In the event two or more persons holding separate copyrighted musical works, or any rights flowing therefrom, whether by assignment, agency agreements, or by any form of agreement, pool their interests, or combine, or conspire, federate, or join together in any way, whether for a lawful purpose or otherwise, a complete list of their copyrighted works or compositions shall be filed once each year in the office of the secretary of state of the state of Washington, together with a list of the prices charged or demanded for their various copyrighted works; no payment or filing fee shall be required by the secretary of state, and said persons, corporations, or association, foreign or domestic shall state therein under oath, that said list is a complete catalogue of the titles of their claimed compositions, whether musical or dramatic or of any other classification, and in addition to stating the name and title of the copyrighted work it shall recite therein the date each separate work was copyrighted, and the name of the author, the date of its assignment, if any, or the date of the assignment of any interest therein, if any, and the name of the publisher, the name of the present owner, together with the ad-

dresses and residences of all parties who have at any time had any interest in such copyrighted work.

Passed the House January 17, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 15, 1967.

## CHAPTER 41.

[Senate Bill No. 139.]

### JOINT GOVERNMENTAL OPERATIONS—DEPOSIT AND CONTROL OF FUNDS.

AN ACT relating to joint operations between two or more municipal corporations or political subdivisions of the state; and adding a new section to chapter 8, Laws of 1965 and to chapter 43.09 RCW.

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

Section 1. There is added to chapter 8, Laws of 1965 and to chapter 43.09 RCW a new section to read as follows:

Whenever by law, two or more municipal corporations or political subdivisions of the state are permitted by law to engage in a joint operation, the funds of such joint operation shall be deposited in the public treasury of the municipal corporation or political subdivision embracing the largest population or the public treasury of any other as so agreed upon by the parties; and such deposit shall be subject to the same audit and fiscal controls as the public treasury where the funds are so deposited: *Provided*, That whenever the laws applicable to any particular joint operation specifically state a contrary rule for deposits, the specific rule shall apply in lieu of the provisions of this section: *Provided, further*, That nothing contained herein shall be construed as limiting the power or authority of the

New section.

Joint govern-  
mental opera-  
tions—Deposit  
and control of  
funds.

disbursing officer of such joint operation from making disbursements in accordance with the provisions of any contract or agreement entered into between the parties to the joint operation.

Passed the Senate February 22, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 16, 1967.

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CHAPTER 42.

[House Bill No. 26.]

FIREMEN'S PENSION FUND.

AN ACT relating to firemen of cities, towns, and fire protection districts; and amending section 5, chapter 91, Laws of 1947 as last amended by section 8, chapter 255, Laws of 1961, and RCW 41.16.050.

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

RCW 41.16.050 amended.

Section 1. Section 5, chapter 91, Laws of 1947 as last amended by section 8, chapter 255, Laws of 1961, and RCW 41.16.050 are each amended to read as follows:

Public pensions. Firemen's pension fund—How constituted.

There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the firemen's pension fund, which shall consist of (1) all bequests, fees, gifts, emoluments or donations given or paid thereto, (2) forty-five percent of all moneys received by the state from taxes on fire insurance premiums, (3) taxes paid pursuant to the provisions of RCW 41.16.060, (4) interest on the investments of the fund, (5) contributions by firemen as provided for herein. The forty-five percent of moneys received from the tax on fire insurance premiums under the provisions of this chapter shall be distributed in the proportion that the number of paid firemen in the

city, town or fire protection district bears to the total number of paid firemen throughout the state to be ascertained in the following manner: The secretary of the firemen's pension board of each city, town and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after the taking effect of this 1961 amendatory act and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of paid firemen in the fire department in such city, town or fire protection district. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town and fire protection district coming under the provisions of this chapter his warrant, payable to each city, town or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town or fire protection district shall place the amount thereof to the credit of the firemen's pension fund of such city, town or fire protection district.

Passed the House January 26, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 16, 1967.

CHAPTER 43.

[House Bill No. 83.]

CENTRALIA ARMORY SITE.

AN ACT authorizing the state of Washington, military department, to acquire certain real property in Centralia, Washington.

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

Centralia  
Armory.

Section 1. The state of Washington, military department, is hereby authorized to acquire Lots 13, 14, 15, and 16, Block 2, Seminary Hill Addition to Centralia, according to the plat thereof recorded in Volume 2 of plats, page 90, records of Lewis county, Washington, together with that portion of the north half of vacated Magnolia Street and that portion of vacated Byrd Street adjacent thereto, which would attach by operation of law. The said land is to be used for an armory site.

Passed the House January 25, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 16, 1967.

## CHAPTER 44.

[House Bill No. 80.]

## CHEWELAH ARMORY.

AN ACT relating to state government; authorizing the sale of the Chewelah armory; and providing for the disposition of funds received from the sale.

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

Section 1. The state military department is hereby authorized to sell the present state armory, land and buildings, in the city of Chewelah legally described as commencing at the point of intersection of the center line of Washington Avenue of the town of Chewelah extended east, and the west line of Third Street (east) of said town, thence running south 306.25 feet more or less along the west line of said Third Street, to a point which is 30 feet north of the center line of Colville Avenue of said town extended east, thence west 180 feet on a line parallel with the center line of said Colville Avenue extended east, thence north 306.25 feet more or less to the center line of said Washington Avenue extended east, thence west 20 feet along the center line of said Washington Avenue extended east, thence north 80 feet on a line parallel with said Third Street, thence east 200 feet on a line parallel to the center line of said Washington Avenue extended east, thence south 80 feet to the point of beginning, which sale shall be by and under the direction of the adjutant general in accordance with the procedures provided by law.

Chewelah  
Armory, sale.

Before any sale under the provisions of this act shall be made the property shall be appraised by two independent competent real estate appraisers. Any sale pursuant to the provisions of this act shall be made to the best bidder for a price not less than the appraised value of said property and pursuant to

a call for bids published at least 15 days prior to the date fixed for the sale in one issue of a newspaper printed and published in the county in which the armory is located.

After complying with the provisions of section 3 of this act, the consideration received from the sale authorized in section 1 hereof shall be deposited to the account of the general fund in the state treasury, to be set aside and utilized for the purchase of real property for the use of the military department of the state of Washington.

Chewelah  
Armory, sale—  
Approval of  
governor,  
execution of  
documents.

Sec. 2. The disposition of the present armory shall in all respects be subject to the approval of the governor and any instrument or instruments necessary in effecting the sale of and conveying of title to such real property shall be executed by the governor on behalf of the state of Washington in form approved by the attorney general.

Disposition of  
proceeds.

Sec. 3. The state military department is further authorized to negotiate with the federal government for the purpose of arriving at a mutually agreed price for the federal investment in the buildings presently existing on the Chewelah armory site. Following the sale of the site, the state military department shall pay over to the federal government, from the funds received, an amount equal to the mutually agreed price.

Passed the House March 6, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 16, 1967.

CHAPTER 45.

[House Bill No. 42.]

PUBLIC HUNTING AND FISHING AREAS.

AN ACT relating to game and game fish; and adding a new section to chapter 36, Laws of 1955 and to chapter 77.12 RCW.

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

Section 1. There is added to chapter 36, Laws of 1955 and to chapter 77.12 RCW a new section to read as follows:

The commission, acting by and through the director, may enter into written agreements with the owners or lessees of real property providing for the use of such real property for public hunting and fishing. The commission may establish rules and regulations governing the conduct of any persons who are in or on such real property pursuant to any such agreements for the purpose of hunting or fishing.

New section.

Agreements for use of private property for public hunting and fishing.

Passed the House January 23, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 16, 1967.

CHAPTER 46.

[House Bill No. 153.]

PUBLIC INSTITUTIONS—USE OF FACILITIES  
FOR EDUCATION PURPOSES.

AN ACT relating to the physical facilities of institutions of the department of institutions of the state of Washington; and authorizing the use of such facilities by schools and state institutions of higher learning.

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

Public institutions—Use of facilities for education purposes.

Section 1. The director of institutions of the state of Washington is authorized to enter into agreements with any school district or any state institution of higher learning for the use of the physical facilities of any state institution of the department, at such times and under such circumstances and with such terms and conditions as may be deemed appropriate.

Passed the House January 28, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 16, 1967.

## CHAPTER 47.

[Engrossed House Bill No. 596.]

ESTABLISHING A FOUR YEAR COLLEGE IN  
THURSTON COUNTY.

AN ACT relating to colleges and universities; establishing a new state college; amending section 1, chapter 104, Laws of 1947 and RCW 28.76.020; amending section 1, chapter 34, Laws of 1949 and RCW 28.76.120; amending section 2, chapter 147, Laws of 1957, as amended by section 2, chapter 62, Laws of 1961 and RCW 28.81.010; amending section 1, chapter 13, Laws of 1933, as amended by section 1, chapter 109, Laws of 1947 and RCW 28.81.052; amending section 1, chapter 108, Laws of 1947, as amended by section 2, chapter 34, Laws of 1949 and RCW 28.81.053; amending section 1, chapter 109, Laws of 1963 and RCW 28.81.054; amending section 3, chapter 13, Laws of 1961 extraordinary session, as last amended by section 1, chapter 147, Laws of 1965 extraordinary session and RCW 28.81.080; amending section 4, chapter 13, Laws of 1961 extraordinary session, as amended by section 2, chapter 76, Laws of 1965 and RCW 28.81.085; amending section 1, chapter 14, Laws of 1961 extraordinary session and RCW 28.81.500; amending section 2, chapter 14, Laws of 1961 extraordinary session and RCW 28.81.510; amending section 5, chapter 14, Laws of 1961 extraordinary session and RCW 28.81.540; amending section 1, chapter 76, Laws of 1965 and RCW 28.81.551; adding new sections to chapter 28.81 RCW; and providing an effective date.

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

Section 1. The primary duty delegated to the temporary Advisory Council on Public Higher Education by the 1965 extraordinary session of the legislature was to study and by a vote of at least three-fourths of the members of the council make a finding as to the need for immediate initiation of a new four-year state college and by a vote of at least two-thirds of the nonlegislative members of the council determine a specific site for the location thereof. The Council members have determined by a unanimous vote of the members that there is a need for immediate initiation of a new four-year state

New state college. Declaration of purpose.

New state college.

college and have further determined by a unanimous vote of the members thereof that the new four-year state college be located at a suburban site in Thurston county within a radius of approximately ten miles of Olympia.

It is the purpose of this enactment to provide for the immediate initiation of a new four-year state college at a location in Thurston county in accordance with the study, determination and finding made pursuant to law by the temporary Advisory Council on Public Higher Education.

New section.

Sec. 2. There is added to chapter 28.81 RCW a new section to read as follows:

Name.

There is hereby established in Thurston county, a four-year state college to be named by the board of trustees, and hereinafter referred to as "Southwestern Washington State College."

New section.

Sec. 3. There is added to chapter 28.81 RCW a new section to read as follows:

Board of trustees.

Within thirty days after the effective date of this 1967 amendatory act, the governor shall appoint a board of trustees for Southwestern Washington State College consisting of five members. The terms of office and date of commencement thereof of the members of the board of trustees shall be the same as prescribed by law for trustees of state colleges under RCW 28.81.020, as now or hereafter amended, except that initial appointments shall be for terms as follows: One for two years, one for three years, one for four years, one for five years, and one for six years.

New section.

Sec. 4. There is added to chapter 28.81 RCW a new section to read as follows:

The board of trustees shall study, examine and select prior to December 1, 1967, a site in Thurston county within a radius of approximately ten miles of the city limits of the city of Olympia for the

permanent location of the Southwestern Washington State College.

Selection of site by board.

The board of trustees is authorized, empowered and directed in accordance with statutes pertaining to boards of trustees of state colleges and as soon as practicable after selection of such site and sufficient funds are appropriated or otherwise made available for such purposes, to acquire and accept on behalf of the state sufficient and suitable real property in Thurston county of not less than approximately six hundred acres as a site for Southwestern Washington State College, to provide for the construction of such buildings, appurtenances, and facilities as they shall determine necessary therefore, and shall employ an administrative staff and faculty members and shall take such further actions as may be necessary to prepare the college for the reception of students.

Construction of facilities, employment of staff and faculty.

Sec. 5. There is added to chapter 28.81 RCW a new section to read as follows:

New section.

In addition to the powers and duties conferred by this 1967 amendatory act, the board of trustees of Southwestern Washington State College shall have all the powers and duties as are presently or may hereafter be granted to existing state colleges by law. All statutes pertaining to the existing state colleges shall have full force and application to Southwestern Washington State College.

Powers and duties of board of trustees.

Southwestern Washington State College is hereby deemed entitled to receive and share in all the benefits and donations made and given to similar institutions by the enabling act or other federal law to the same extent as other state colleges are entitled to receive and share in such benefits and donations.

Sec. 6. Section 2, chapter 147, Laws of 1957, as amended by section 2, chapter 62, Laws of 1961 and RCW 28.81.010 are each amended to read as follows:

RCW 28.81.010 amended.

State colleges.  
Location and  
designation.

The state colleges shall be located and designated as follows:

At Bellingham, the Western Washington State College; at Cheney, the Eastern Washington State College; at Ellensburg, the Central Washington State College; in Thurston county, the Southwestern Washington State College.

RCW 28.81.052  
amended.

Sec. 7. Section 1, chapter 13, Laws of 1933, as amended by section 1, chapter 109, Laws of 1947, and RCW 28.81.052 are each amended to read as follows:

Bachelor  
degrees  
authorized.

The degree of bachelor of arts in education, or the degree of bachelor of arts, may be granted to any student who has completed one of the four-year courses of study in the Central Washington State College, the Eastern Washington State College, the Western Washington State College, or the Southwestern Washington State College: *Provided*, Said courses of study are authorized in accordance with the prescribed law and represent four years of work.

**NOTE: See also section 1, chapter 231, Laws of 1967.**

RCW 28.81.053  
amended.

Sec. 8. Section 1, chapter 108, Laws of 1947, as amended by section 2, chapter 34, Laws of 1949, and RCW 28.81.053 are each amended to read as follows:

Degree of  
master of  
education  
authorized.

In addition to all other powers and duties given to them by law, the Central Washington State College, the Eastern Washington State College, the Western Washington State College and the Southwestern Washington State College are hereby authorized to grant the degree of master of education to any student who has completed a course of at least one year in graduate study in education as prescribed by law or regulation for teacher education.

RCW 28.81.054  
amended.

Sec. 9. Section 1, chapter 109, Laws of 1963 and RCW 28.81.054 are each amended to read as follows:

In addition to all other powers and duties given to them by law, the boards of trustees of Central Washington State College, Eastern Washington State College, Western Washington State College, and Southwestern Washington State College may grant an associate degree in nursing to any student who has satisfactorily completed a two-year course of study approved by the proper accrediting state agency and may grant the degree of master of arts, or master of science to any student who has completed a course of at least one year in graduate study.

Nursing de-  
grees—Master  
degrees in arts  
and sciences—  
Authorized.

Sec. 10. Section 3, chapter 13, Laws of 1961 extraordinary session, as last amended by section 1, chapter 147, Laws of 1965 extraordinary session, and RCW 28.81.080 are each amended to read as follows:

RCW 28.81.080  
amended.

The boards of trustees of Eastern Washington State College, Central Washington State College, Western Washington State College and Southwestern Washington State College shall, each quarter other than summer session charge to and collect from each of the full time students registered at the respective colleges general tuition fee and incidental fees as follows:

Student fees.

(1) Resident students

(a) General tuition fee, not less than fifteen dollars; and

(b) Incidental fees an amount which, together with such general tuition fee, will be not more than eighty-eight dollars.

(2) Nonresident students

(a) General tuition fee, not less than forty-five dollars; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not more than one hundred fifty-seven dollars.

State colleges  
—Student fees.

The term “incidental fees” as used in this section, without limiting the generality thereof, should be deemed to include all building fees, (except the above denominated general tuition fees), student activity fees, laboratory, library, gymnasium, and health fees charged all students registering at each college.

The term “resident students” as used in this section shall mean full-time students who have been domiciled in this state at least one year prior to the date of their registration and the children and spouses of federal employees residing within the state and children and spouses of staff members of the colleges. The term “nonresident students” shall mean all full-time students other than resident students.

In addition to the foregoing fees, the boards of trustees of the state colleges are authorized to make such charges as each board shall in its discretion determine, for application for admission, part time instruction, summer sessions, short courses, correspondence courses, extension courses, noncredit instruction, deposits, breakage, disciplinary infractions, late registration, change of program, diplomas, special individual instruction or examination or service; material, textbooks, yearbooks, equipment rental, or transportation, and to make and establish such charges and rentals as they may in their discretion determine for the use of all revenue-producing lands, buildings, and facilities of each college, heretofore or hereafter acquired, constructed, or installed, including but not limited to income from rooms, dormitories, dining rooms, hospital, infirmaries, housing, or student activity buildings or facilities, vehicular parking facilities, land, or the appurtenances thereon.

RCW 28.81.085  
amended.

Sec. 11. Section 4, chapter 13, Laws of 1961 extraordinary session, as amended by section 2, chap-

ter 76, Laws of 1965, and RCW 28.81.085 are each amended to read as follows:

Within thirty-five days from the date of collection thereof all general tuition fees of each such college shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28.81.551 as are received by the state treasury shall be credited as follows:

State Colleges  
~~—Disposition  
of general  
tuition fees—  
Bond payments  
—Bond retire-  
ment funds—  
Capital proj-  
ects accounts.~~

(1) On or before June 30th of each year the board of trustees of each college issuing bonds payable out of its general tuition fees and above described normal school fund revenues shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each college shall be a prior lien and charge against all general tuition fees and above described normal school fund revenues of such college. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington State College bond retirement fund, the Central Washington State College bond retirement fund, the Western Washington State College bond retirement fund, or the Southwestern Washington State College bond retirement fund respectively, which funds are hereby created in the state treasury. The amounts deposited in the respective bond retirement funds shall be used exclusively to pay and secure the payment of the principal of and interest on the tuition fee bonds issued by such colleges as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding general tuition fee and above described normal school fund revenue bonds of its college, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so

State Colleges  
—Disposition  
of general  
tuition fees—  
Bond payments  
—Bond retire-  
ment funds—  
Capital proj-  
ects accounts.

that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All general tuition fees and above described normal school fund revenue not needed for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of general tuition fee or above described normal school fund revenue bond principal or interest shall be deposited in the Eastern Washington State College capital projects account, the Central Washington State College capital projects account, the Western Washington State College capital projects account, or the Southwestern Washington State College capital projects account respectively, which accounts are hereby created in the general fund of the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law.

RCW 28.81.500  
amended.

Sec. 12. Section 1, chapter 14, Laws of 1961 extraordinary session, and RCW 28.81.500 are each amended to read as follows:

Financing  
buildings and  
facilities—  
Construction,  
remodeling,  
improvement.

The boards of trustees of the state colleges are empowered in accordance with the provisions of RCW 28.81.500 through 28.81.590, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the aforementioned colleges and to finance the payment thereof by bonds payable out of special funds from revenues hereafter derived from the pay-

ment of general tuition fees, gifts, bequests or grants, and such additional funds as the legislature may provide.

Sec. 13. Section 2, chapter 14, Laws of 1961 extraordinary session, and RCW 28.81.510 are each amended to read as follows: RCW 28.81.510 amended.

The following terms, whenever used or referred to in RCW 28.81.500 through 28.81.590, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise: Definitions.

(1) The word "boards" means the boards of trustees of the state colleges.

(2) The words "general tuition fees" mean the general tuition fees charged students registering at each college, but shall not mean the special tuition or other fees charged such students or fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of the respective colleges, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon.

(3) The words "bond retirement funds" shall mean the special funds created by law and known as the Eastern Washington State College bond retirement fund, Central Washington State College bond retirement fund, Western Washington State College bond retirement fund, and Southwestern Washington State College bond retirement fund.

(4) The word "bonds" means the bonds payable out of the bond retirement funds.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of any of the aforementioned colleges authorized

by the legislature at any time and to be financed by the issuance and sale of bonds.

RCW 28.81.540 amended.

Sec. 14. Section 5, chapter 14, Laws of 1961 extraordinary session, and RCW 28.81.540 are each amended to read as follows:

State colleges  
—Disposition of general tuition fees  
—Bond payments—  
Bond retirement funds—  
Capital projects accounts.

Within thirty-five days from the date of collection thereof, all general tuition fees shall be paid into the state treasury and credited as follows:

(1) On or before June 30th of each year the board of trustees of each college issuing such bonds shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on the same. The amounts so certified shall be a prior lien and charge against all general tuition fees of such college. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington State College bond retirement fund, the Central Washington State College bond retirement fund, the Western Washington State College bond retirement fund, or the Southwestern Washington State College bond retirement fund, respectively. The amounts deposited in the respective bond retirement funds shall be used exclusively to pay and secure the payment of the principal of and interest on such bonds. If in any twelve-month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on such bonds, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on such bonds then outstanding shall be fully met at all times.

(2) All general tuition fees not needed for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of

bond principal or interest shall be deposited in the Eastern Washington State College capital projects account, the Central Washington State College capital projects account, the Western Washington State College capital projects account, or the Southwestern Washington State College capital projects account, respectively. The sums deposited in the respective capital projects accounts shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition, and major alteration of buildings and other capital assets and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances in relation thereto, except for any sums transferred therefrom as authorized in subdivision (3) RCW 28.81.560.

Sec. 15. Section 1, chapter 76, Laws of 1965 and RCW 28.81.551 are each amended to read as follows:

RCW 28.81.551  
amended.

All moneys received from the lease or rental of lands set apart by the enabling act for state normal schools purposes; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel, or other valuable material thereon; and all moneys received as interest on deferred payments on contracts for the sale of such lands, shall from time to time be paid into the state treasury and credited to the Eastern Washington State College, Central Washington State College, Western Washington State College, and Southwestern Washington State College accounts as herein provided to be expended for capital projects, and bond retirement purposes as set forth in RCW 28.81.550, as now or hereafter amended. Eastern Washington State College, Central Washington State College, Western Washington State College, and Southwestern Washington State College shall each be credited with one-fourth of the total amount: *Provided*, That Eastern Washington

Disposition of  
certain normal  
school fund  
revenues.

State College, Central Washington State College and Western Washington State College shall each be credited with one-third of the total amount for so long as there remain unpaid and outstanding any bonds which are payable in whole or in part out of the moneys, interest or income described in this section.

RCW 28.76.020 amended.

Sec. 16. Section 1, chapter 104, Laws of 1947 and RCW 28.76.020 are each amended to read as follows:

Higher education institutions—Acquisition of property.

The boards of regents of the University of Washington and Washington State University, and the boards of trustees of the state colleges at Ellensburg, Cheney, Bellingham and in Thurston county shall have the power and authority to acquire by gift, purchase, lease or condemnation in the manner provided by law for condemnation of property for public use, such lands, real estate and other property, and interests therein as they may deem necessary for the use of said institutions respectively.

RCW 28.76.120 amended.

Sec. 17. Section 1, chapter 34, Laws of 1949 and RCW 28.76.120 are each amended to read as follows:

Teacher training courses.

The University of Washington, Washington State University, Central Washington State College, Eastern Washington State College, Western Washington State College, and the Southwestern Washington State College are each hereby authorized to train teachers and other personnel for whom teaching certificates or special credentials prescribed by the state board of education are required, for any grade, level, department or position of the public schools of the state, except that the training for superintendents, over and above that required for teaching certificates and principals' credentials, shall be given by the University of Washington and Washington State University only: *Provided*, That the courses offered in all of the aforesaid training are approved by the state board of education.

Sec. 18. The effective date of this 1967 amendatory act is July 1, 1967. Effective date.

Sec. 19. If any phrase, clause, subsection or section of this 1967 amendatory act shall be declared unconstitutional or invalid, it shall be conclusively presumed that the legislature would have enacted this 1967 amendatory act without the phrase, clause, subsection or section so declared unconstitutional or invalid and the remainder of this 1967 amendatory act shall not be affected as a result of said part being held unconstitutional or invalid; nor shall any phrase, clause, subsection or section of this 1967 amendatory act be construed to impair the rights of bondholders as to any bonds issued prior to the effective date of this 1967 amendatory act. Severability.

Passed the House March 8, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 48.

[House Bill No. 159.]

HYDRAULIC PROJECTS—APPROVAL BY FISHERIES, GAME.

AN ACT relating to food fish and shellfish; providing for penalties relating to compliance with hydraulic permits; and amending section 75.20.100, chapter 12, Laws of 1955 and RCW 75.20.100.

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

RCW 75.20.100 amended.

Section 1. Section 75.20.100, chapter 12, Laws of 1955 and RCW 75.20.100 are each amended to read as follows:

Food fish and shellfish. Hydraulic projects—Approval by fisheries, game.

In the event that any person or government agency desires to construct any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds, such person or government agency shall submit to the department of fisheries and the department of game full plans and specifications of the proposed construction or work, complete plans and specifications for the proper protection of fish life in connection therewith, the approximate date when such construction or work is to commence, and shall secure the written approval of the director of fisheries and the director of game as to the adequacy of the means outlined for the protection of fish life in connection therewith and as to the propriety of the proposed construction or work and time thereof in relation to fish life, before commencing construction or work thereon. If any person or government agency commences construction on any such works or projects without first providing plans and specifications subject to the approval of the director of fisheries and the director of game for the proper protection of fish

life in connection therewith and without first having obtained written approval of the director of fisheries and the director of game as to the adequacy of such plans and specifications submitted for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, he is guilty of a gross misdemeanor. If any such person or government agency be convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

*Provided,* That in case of an emergency arising from weather or stream flow conditions the department of fisheries or department of game, through their authorized representatives, shall issue oral permits to a riparian owner for removing any obstructions or for repairing existing structures without the necessity of submitting prepared plans and specifications.

Passed the House February 17, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 49.

[Engrossed House Bill No. 331.]

## SAVINGS AND LOAN ASSOCIATIONS.

AN ACT relating to savings and loan associations; amending section 11, chapter 235, Laws of 1945, and RCW 33.08.100; amending section 49, chapter 235, Laws of 1945 as last amended by section 3, chapter 246, Laws of 1963, and RCW 33.12.090; amending section 57, chapter 235, Laws of 1945 as last amended by section 3, chapter 222, Laws of 1961, and RCW 33.12.130; amending section 70, chapter 235, Laws of 1945, and RCW 33.24.130; amending section 72, chapter 235, Laws of 1945, as amended by section 5, chapter 280, Laws of 1959, and RCW 33.24.150; amending section 9, chapter 122, Laws of 1955 and RCW 33.48.080; adding new sections to chapter 235, Laws of 1945, and to Title 33 RCW; and repealing section 50, chapter 235, Laws of 1945, section 3, chapter 20, Laws of 1949, section 4, chapter 71, Laws of 1953, and RCW 33.12.100.

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

RCW 33.08.100  
amended.

Section 1. Section 11, chapter 235, Laws of 1945, and RCW 33.08.100 are each amended to read as follows:

Savings and  
loan associ-  
ations. Bylaws  
—Amendment  
—Approval.

The bylaws adopted by the incorporators and approved by the supervisor shall be the bylaws of the association. The members, at any meeting called for the purpose, may amend the bylaws of the association on a majority vote of the members present, in person or by proxy, or the directors at any regular or special meeting called under the provisions of RCW 33.16.090 may amend the bylaws of the association on a two-thirds majority vote of the directors. Proposed amendments of the bylaws shall be submitted to the supervisor in duplicate at least thirty days prior to the meeting at which the amendments will be considered. The supervisor shall endorse thereon the word "approved" or "disapproved" and return one copy to the association within the thirty day period prior to the meeting. Amendments of the bylaws which have been ap-

proved by the supervisor shall become effective after being adopted by the board or the members. The supervisor shall be advised of the effective date.

Sec. 2. Section 49, chapter 235, Laws of 1945, as last amended by section 3, chapter 246, Laws of 1963, and RCW 33.12.090 are each amended to read as follows:

RCW 33.12.090  
amended.

An association by a majority vote of the board of directors may declare and pay dividends from net earnings or from amounts remaining in the undivided profits or unallocated reserve accounts.

Dividends.

An association shall not declare, credit, or pay dividends on any amount to the credit of a savings member for a longer period than it has been credited: *Provided*, That savings paid in 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 during the last three business days ending a dividend period, may have dividends declared upon them for the whole of the month or period in which they were paid in.

An association may not be required to pay dividends on balances of less than five dollars, and may make a service charge of not more than one dollar in any calendar year against any savings account if no funds have been paid in or withdrawn during the preceding three years and the whereabouts of the member is unknown to the association and he has not responded within thirty days to a registered or certified letter mailed to his last known address which stated that a service charge will be made unless the account be increased, posted, or closed.

Sec. 3. Section 57, chapter 235, Laws of 1945 as last amended by section 3, chapter 222, Laws of 1961, and RCW 33.12.130 are each amended to read as follows:

RCW 33.12.130  
amended.

Savings and  
loan associa-  
tions—Aval-  
able fund  
requirements.

Every association shall have at all times cash on hand and balances due from solvent banks or checks in transit for collection from solvent banks, or funds deposited on time or demand with the federal home loan bank of which the association is a stockholder, certificates of deposit or time deposits in a bank, or savings accounts in other insured savings and loan associations or banks, or bonds or obligations authorized by RCW 33.24.020 to 33.24.040 and 33.24.090, which cash, bonds or other obligations shall not be pledged or otherwise held as security for the payment of any obligations of the association, an amount not less than ten percent of the aggregate of the savings accounts of its members: *Provided*, That for associations insured by the federal savings and loan insurance corporation liquidity requirements shall not be greater than those required by the federal home loan bank system.

Whenever an association shall have on hand less available funds or bonds or obligations than are hereinabove required, it shall discontinue the making of any loans or other investments, except those for which its commitments have previously been issued, until a status complying with the provisions of this section shall be reestablished.

RCW 33.24.130  
amended.

Sec. 4. Section 70, chapter 235, Laws of 1945 and RCW 33.24.130 are each amended to read as follows:

Loans and  
investments.

For every mortgage loan made, the association shall require that the mortgagor procure and maintain fire insurance upon the buildings and improvements situated on the mortgaged premises, in a company authorized to write fire insurance in this state, in such amount as shall be stipulated in the mortgage, with loss payable to the association, and that the policy or policies of insurance be deposited with and held by the association until the loans shall be paid: *Provided*, That an association need not hold the policy or policies if it carries a policy which

protects the association should a mortgagor fail to maintain his insurance.

The association may require such other insurance at any time as its board of directors may deem advisable for its protection up to the balance of its loan account.

Before making any mortgage loan, the association shall require:

(1) Title insurance issued by a duly qualified title insurance company; or

(2) In the case of lands registered under the Torren's system, a duplicate certificate of ownership issued by a registrar of titles; or

(3) An abstract of title, certified to the date of the loan by a duly qualified abstract company of the county in which the land is situated, accompanied by a written opinion of a competent attorney to the effect that the proposed mortgage will constitute a first lien upon such property.

Sec. 5. Section 72, chapter 235, Laws of 1945, as amended by section 5, chapter 280, Laws of 1959, and RCW 33.24.150 are each amended to read as follows:

RCW 33.24.150  
amended.

An association may invest in promissory notes fully secured by the pledge or assignment of the savings account of the borrowing member.

Loans and  
investments.  
Notes secured  
by savings  
account.

An association may invest its funds in loans upon the security of a savings account in any other savings and loan association doing business in this state, if such account be insured by the federal savings and loan insurance corporation or any other federal or state agency. Any such loan shall not exceed ninety percent of the amount of such account or ninety percent of the amount of the insurance thereon, whichever is the smaller.

The pledge to any association or federal savings and loan association of all or part of a savings account in joint tenancy signed by that person or

Savings and loan associations.

those persons who are authorized in writing to make withdrawals from the account shall, unless the terms of the savings account provide specifically to the contrary, be a valid pledge and transfer to the association of that part of the account pledged, and shall not operate to sever or terminate the joint and survivorship ownership of all or any part of the account.

RCW 33.48.080 amended.

Sec. 6. Section 9, chapter 122, Laws of 1955 and RCW 33.48.080 are each amended to read as follows:

Guaranty stock state savings and loan associations.

Each member having guaranty stock in an association shall have a proportionate proprietary interest in its assets and net earnings subordinate to the claims of its other creditors with priorities as established by this chapter; but no other member as defined in RCW 33.48.010 shall have any such interest except as provided in RCW 33.48.120.

New section.

Sec. 7. There is added to chapter 235, Laws of 1945, and to chapter 33.24 RCW a new section to read as follows:

Loans and investments—  
Mobile homes.

An association may invest its funds in loans upon the security of mobile dwellings used as semi-permanent or permanent housing. Loans made pursuant to this section shall not exceed five percent of the association's assets.

New section.

Sec. 8. There is added to chapter 235, Laws of 1945, and chapter 33.24 RCW a new section to read as follows:

Loans for home repairs, additions, or furnishings—  
Limitation.

An association may invest not to exceed five percent of its assets in secured or unsecured loans for home or property repairs, alterations, improvements or additions, or home furnishings or appliances: *Provided*, That the principal amount of any such loan shall not exceed five thousand dollars and shall be repayable in equal monthly installments commencing not more than sixty days after the date of

such loan and extending over a payment period of not to exceed seven years.

Sec. 9. Section 50, chapter 235, Laws of 1945, section 3, chapter 20, Laws of 1949, section 4, chapter 71, Laws of 1953 and RCW 33.12.100 are each hereby repealed. Repeal.

Passed the House February 25, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 50.

[Engrossed House Bill No. 350.]

### TEACHERS' RETIREMENT.

AN ACT relating to public employment; amending section 1, chapter 81, Laws of 1965 extraordinary session, and RCW 41.32.010; amending section 25, chapter 80, Laws of 1947 and RCW 41.32.250; amending section 26, chapter 80, Laws of 1947 as last amended by section 2, chapter 132, Laws of 1961 and RCW 41.32.260; amending section 28, chapter 80, Laws of 1947 as amended by section 9, chapter 274, Laws of 1955 and RCW 41.32.280; amending section 42, chapter 80, Laws of 1947 as amended by section 13, chapter 14, Laws of 1963 extraordinary session and RCW 41.32.420; amending section 43, chapter 80, Laws of 1947 as last amended by section 14, chapter 14, Laws of 1963 extraordinary session and RCW 41.32.430; amending section 50, chapter 80, Laws of 1947 as last amended by section 5, chapter 81, Laws of 1965 extraordinary session and RCW 41.32.500; amending section 52, chapter 80, Laws of 1947 as last amended by section 6, chapter 81, Laws of 1965 extraordinary session and RCW 41.32.520; amending section 20, chapter 14, Laws of 1963 extraordinary session and RCW 41.32.522; amending section 21, chapter 14, Laws of 1963 extraordinary session as amended by section 7, chapter 81, Laws of 1965 extraordinary session and RCW 41.32.523; amending section 55, chapter 80, Laws of 1947 as last amended by section 19, chapter 14, Laws of 1963 extraordinary session and RCW 41.32.550; and providing an effective date.

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

RCW 41.32.250  
amended.

Section 1. Section 25, chapter 80, Laws of 1947 and RCW 41.32.250 are each amended to read as follows:

Teacher's  
retirement.  
Member's  
statement of  
service.

Under such rules and regulations as the board of trustees shall adopt, each teacher, upon becoming a member of the retirement system, shall file with the board of trustees during his first year of service a detailed statement of all services as a teacher rendered by him in this state, together with a statement of such other facts as the board shall require. The board of trustees may, at the option of a member, accept the service record of a member of a local fund or the former state fund in lieu of such detailed statement; and issue a prior service certificate to the applicant for such prior service.

RCW 41.32.260  
amended.

Sec. 2. Section 26, chapter 80, Laws of 1947 as last amended by section 2, chapter 132, Laws of 1961 and RCW 41.32.260 are each amended to read as follows:

Credit for mili-  
tary service—  
Limitation.

Any member whose public school service is interrupted by active service to the United States as a member of its military, naval or air service, or to the state of Washington, as a member of the legislature, may upon becoming reemployed in the public schools, receive credit for such service upon presenting satisfactory proof, and contributing to the annuity fund, either in a lump sum or installments, such amounts as shall be determined by the board of trustees: *Provided*, That no such military service credit in excess of five years shall be established or reestablished after July 1, 1961, unless the service was actually rendered during time of war: *Provided Further*, That a member of the retirement system who is a member of the state legislature may request that retirement deductions be taken from his

salary as a legislator and that service credit be established with the retirement system while such deductions are reported to the retirement system, unless he has by reason of his employment become a contributing member of another public retirement system in the state of Washington.

Sec. 3. Section 28, chapter 80, Laws of 1947 as amended by section 9, chapter 274, Laws of 1955 and RCW 41.32.280 are each amended to read as follows:

RCW 41.32.280  
amended.

As soon as practicable after the filing of statements of services, the board of trustees shall determine the number of years of service with which an applicant shall be credited and shall issue a prior service certificate to the applicant therefor. The member shall be bound by the terms of this certificate unless prior to June 30th of the fifth school year after entry into public school employment in this state he shall have filed an application for additional service credit, presented satisfactory proof of such service and made the necessary payment.

Prior service  
credit.

Sec. 4. Section 42, chapter 80, Laws of 1947 as amended by section 13, chapter 14, Laws of 1963 extraordinary session and RCW 41.32.420 are each amended to read as follows:

RCW 41.32.420  
amended.

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

Teacher's  
pensions.  
Employer  
reports to  
board.

Teacher's retirement.

service credit may be filed with the board of trustees thereof on a form furnished by the board. The county superintendent shall perform the duties imposed by this section for the employers in second and third 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.

RCW 41.32.430 amended.

Sec. 5. Section 43, chapter 80, Laws of 1947 as last amended by section 14, chapter 14, Laws of 1963 extraordinary session and RCW 41.32.430 are each amended to read as follows:

Salary deductions.

Every officer authorized to issue salary warrants to teachers shall deduct from such salary payments to any member regularly employed an amount which will result in total deductions of five percent of the amount of earnable compensation paid in any fiscal year. Such deductions shall be transmitted and reported to the retirement system as directed by the board of trustees.

RCW 41.32.500 amended.

Sec. 6. Section 50, chapter 80, Laws of 1947 as last amended by section 5, chapter 81, Laws of 1965 extraordinary session and RCW 41.32.500 are each amended to read as follows:

Termination of membership—When membership may be retained.

Membership in the retirement system is terminated and the prior service certificate becomes void when a member retires for service or disability, dies, withdraws his accumulated contributions, transfers his membership to the state employees' retirement system or does not establish service credit with the retirement system for five consecutive years; however, a member may retain membership in the teachers' retirement system by leaving his accumulated contributions in the teachers retirement fund under one of the following conditions:

- (1) If he is eligible for retirement;

(2) If he is a member of another public retirement system in the state of Washington by reason of change in employment and has arranged to have membership extended during the period of such employment;

(3) If he is not eligible for retirement but has established ten or more years of Washington membership service credit.

Sec. 7. Section 52, chapter 80, Laws of 1947 as last amended by section 6, chapter 81, Laws of 1965 extraordinary session and RCW 41.32.520 are each amended to read as follows:

RCW 41.32.520  
amended.

Upon receipt of proper proofs of death of any member before retirement or before the first installment of his retirement allowance shall become due his accumulated contributions and/or other benefits payable upon his death shall be paid to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees. If a member fails to file a new beneficiary designation subsequent to marriage, divorce, or reestablishment of membership following termination by withdrawal, lapsation or retirement, payment of his accumulated contributions and/or other benefits upon death before retirement shall be made to the surviving spouse, if any; otherwise, to his estate. If a member had established five or more years of Washington membership service credit, the beneficiary or the surviving spouse if otherwise eligible may elect, in lieu of a cash refund of the member's accumulated contributions, the following survivor benefit plan:

Teacher's  
retirement.  
Payment on  
death before  
retirement.

(1) A widow or dependent widower, without a child or children under eighteen years of age, may elect a monthly payment of fifty dollars to become effective at age fifty, provided the member had fifteen or more years of Washington membership service credit.

Teacher's  
retirement.  
Payment on  
death before  
retirement.

(2) If the member was eligible for retirement the beneficiary, if the surviving spouse or a dependent, may elect to receive a retirement allowance under Option 2. This election shall also be available to the spouse or a dependent of a member who has died while eligible for retirement during the period July 1, 1947, to June 30, 1955, inclusive, upon the repayment to the teachers' retirement fund of the refunded contributions. No benefits may be paid for any months prior to July 1, 1955.

If no qualified beneficiary survives a member, at his death his accumulated contributions shall be paid to his estate, or his dependents may qualify for survivor benefits under benefit plan (2) in lieu of a cash refund of the members accumulated contributions in the following order: Widow or dependent widower, guardian of a dependent child or children under age eighteen, or dependent parent or parents.

Under survivors' benefit plan (1) the board of trustees shall transfer to the survivors' benefit fund the accumulated contributions of the deceased member together with an amount from the pension fund determined by actuarial tables to be sufficient to fully fund the liability. Benefits shall be paid from the survivors' benefit fund monthly and terminated at the marriage of the beneficiary.

RCW 41.32.522  
amended.

Sec. 8. Section 20, chapter 14, Laws of 1963 extraordinary session and RCW 41.32.522 are each amended to read as follows:

Death benefits.

Upon receipt of proper proof of death of a member who was employed on a full time basis and who contributed to the death benefit fund during the fiscal year in which his death occurs, or who was under contract for full time employment in a Washington public school for the fiscal year immediately following the year in which such contribution to the death benefit fund was made, or who submits an

application for a retirement allowance to be approved at the next regular meeting of the board of trustees immediately following termination of his full time Washington public school service and who dies before the first installment of his retirement allowance becomes due, or who is receiving or is entitled to receive temporary disability payments, or who upon becoming eligible for a disability retirement allowance submits an application for such an allowance to be approved at the next regular meeting of the board of trustees immediately following the date of his eligibility for a disability retirement allowance and dies before the first installment of such allowance becomes due, a death benefit of three hundred dollars shall be paid from the death benefit fund to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees or to such persons as may otherwise qualify as the beneficiary pursuant to RCW 41.32.520, as now or hereafter amended: *Provided*, That the deceased member had established at least one year of credit with the retirement system for full time Washington membership service: *And Provided Further*, That a deceased member who was not employed full time in Washington public school service during the fiscal year immediately preceding the year of his death shall have been employed full time in Washington public school service for at least fifty consecutive days during the fiscal year of his death.

Sec. 9. Section 21, chapter 14, Laws of 1963 extraordinary session as amended by section 7, chapter 81, Laws of 1965 extraordinary session and RCW 41.32.523 are each amended to read as follows:

Upon receipt of proper proof of death of a member who does not qualify for the death benefit of three hundred dollars under RCW 41.32.522, or a former member who was retired for age, service or

RCW 41.32.523  
amended.

Teacher's re-  
tirement.  
Death benefits.

Teacher's re-  
tirement.  
Death benefits.

disability, a death benefit of one hundred fifty dollars shall be paid from the death benefit fund to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees or to such persons as may otherwise qualify as the beneficiary pursuant to RCW 41.32.520, as now or hereafter amended: *Provided*, That the member or the retired former member had established not less than ten years of credit with the retirement system for full time Washington membership service.

RCW 41.32.550  
amended.

Sec. 10. Section 55, chapter 80, Laws of 1947 as last amended by section 19, chapter 14, Laws of 1963 extraordinary session and RCW 41.32.550 are each amended to read as follows:

Options and  
allowances for  
disability.

Should the board determine from the report of the medical director that a member in full time service has become permanently disabled for the performance of his duties or at any time while a member is receiving temporary disability benefits that a member's disability will be permanent, a member shall have the option of then receiving (1) all his accumulated contributions in a lump sum payment and canceling his membership, or (2) of accepting a retirement allowance based on service or age, if eligible under RCW 41.32.480, or (3) if he had fifteen or more years of creditable service established with the retirement system, a retirement allowance because of disability: *Provided*, That any member applying for a retirement allowance who is eligible for benefits on the basis of service or age shall receive a retirement allowance based on the provisions of law governing retirement for service or age. If the member qualifies to receive a retirement allowance because of disability he shall be paid the maximum annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension equal to the

actuarial equivalent of the service pension to which he would be entitled at age sixty: *Provided*, That in no case shall such pension be less than four dollars per month for each year of creditable service established, nor shall the total allowance for disability be less than seventy-five dollars per month. If the member dies before he has received in annuity payments the present value of his accumulated contributions at the time of his retirement, the unpaid balance shall be paid to his estate or to such persons as he shall have nominated by written designation executed and filed with the board of trustees. A member who is retired for disability under the provisions of this 1963 amendatory act shall at age sixty receive the full pension as provided for service retirement at age sixty. In no case shall his recomputed retirement allowance be less than seventy-five dollars per month.

A member retired for disability may be required at any time to submit to reexamination. If medical findings reveal that the individual is no longer disabled for the performance of public school service, the retirement allowance granted because of disability may be terminated by action of the board of trustees or upon written request of the member. In case of such termination, the individual shall be restored to full membership in the retirement system.

Sec. 11. Section 1, chapter 80, Laws of 1947 as last amended by section 1, chapter 81, Laws of 1965 extraordinary session and RCW 41.32.010 are each amended to read as follows:

RCW 41.32.010  
amended.

As used in this chapter, unless a different meaning is plainly required by the context:

Teacher's  
retirement.  
Definitions.

(1) "Accumulated contributions" means the sum of all regular annuity contributions together with regular interest thereon less cost of operation.

Teacher's  
retirement.  
Definitions.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the board of trustees and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) "Beneficiary" means any person in receipt of a retirement allowance or other benefit provided for by the teachers' retirement law.

(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.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability.

(11) "Earnable compensation" means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to exempt himself from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system.

(18) "Pension" means the moneys payable per year during life from the pension fund.

(19) "Pension fund" means a fund from which all pension obligations are to be paid.

(20) "Pension reserve fund" is a fund in the state treasury in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system.

(21) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable.

(22) "Prior service contributions" means contributions made by a member to secure credit for prior service.

(23) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(24) "Regular contributions" means the amounts required to be deducted from the compen-

**Teacher's  
retirement.  
Definitions.**

sation of a member and credited to his individual account in the annuity fund.

(25) "Regular interest" means the interest on funds of the retirement system for the current school year and such other earnings as may be applied thereon by the board of trustees.

(26) "Retirement allowance" means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(27) "Retirement system" means the Washington state teachers' retirement system.

(28) "Service" means the time during which a member has been employed by an employer for compensation.

(29) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members.

(30) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, county, city superintendents and their assistants; 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.

**Effective date.**

Sec. 12. This 1967 amendatory act shall take effect on July 1, 1967.

**Severability.**

Sec. 13. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 9, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 51.

[House Bill No. 389.]

FIRE PROTECTION DISTRICTS—COMMISSIONERS,  
COMPENSATION.

AN ACT relating to fire commissioners; and amending section 22, chapter 34, Laws of 1939, as last amended by section 1, chapter 112, Laws of 1965, and RCW 52.12.010.

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

Section 1. Section 22, chapter 34, Laws of 1939, as last amended by section 1, chapter 112, Laws of 1965, and RCW 52.12.010 are each amended to read as follows:

RCW 52.12.010  
amended.

The affairs of the district shall be managed by a board of fire commissioners composed of three resident electors of the district. The members may each receive not to exceed ten dollars per day or thirty dollars per month for attendance at board meetings and for performance of other services in behalf of the district to be fixed by resolution and entered in the minutes of the proceedings of the board. In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged on district business, and may participate in insurance available to all firemen of the district: *Provided*, That in any district which has a fire department employing personnel on a full time, fully paid basis, fire commissioners, in addition to expenses as aforesaid, may each receive not to exceed fifteen dollars per day or seventy-five dollars per month for attendance at board meetings and for performance of other services on behalf of the district to be fixed by resolution and entered in the minutes of the proceedings of the board.

Fire protection  
districts—  
Commissioners  
—Compensa-  
tion.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted

by unanimous vote, authorize any of its members to serve as volunteer firemen without compensation. Only a commissioner actually serving as a volunteer fireman may enjoy the rights and benefits of a volunteer fireman. The first commissioners shall serve until after the next general election for the selection of commissioners and until their successors have been elected or appointed and have qualified.

Passed the House February 22, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 52.

[Engrossed House Bill No. 116.]

### CITIES AND TOWNS—UTILITY LOCAL IMPROVEMENT DISTRICTS.

AN ACT relating to cities and towns and local improvements; authorizing the creation of utility local improvement districts; providing an additional method for securing the payment of certain revenue bonds; prescribing powers, duties, functions and procedures; amending section 35.43.030, chapter 7, Laws of 1965 and RCW 35.43.030; amending section 35.43.050, chapter 7, Laws of 1965 and RCW 35.43.050; amending section 35.43.075, chapter 7, Laws of 1965 and RCW 35.43.075; amending section 35.43.080, chapter 7, Laws of 1965 and RCW 35.43.080; amending section 35.43.130, chapter 7, Laws of 1965 and RCW 35.43.130; amending section 35.43.160, chapter 7, Laws of 1965 and RCW 35.43.160; amending section 35.43.180, chapter 7, Laws of 1965 as amended by section 2, chapter 58, Laws of 1965 and RCW 35.43.180; amending section 35.44.010, chapter 7, Laws of 1965 and RCW 35.44.010; amending section 35.44.030, chapter 7, Laws of 1965 and RCW 35.44.030; amending section 35.44.140, chapter 7, Laws of 1965 and RCW 35.44.140; amending section 35.44.360, chapter 7, Laws of 1965 and RCW 35.44.360; amending section 35.49.010, chapter 7, Laws of 1965 and RCW 35.49.010; amending section 35.49.060, chapter 7, Laws of 1965 and RCW 35.49.060; amending section 35.49.070, chapter 7, Laws of 1965 and RCW 35.49.070; amending section 35.49.080, chapter 7, Laws of 1965 and

RCW 35.49.080; amending section 35.50.020, chapter 7, Laws of 1965 and RCW 35.50.020; amending section 35.50.070, chapter 7, Laws of 1965 and RCW 35.50.070; amending section 35.50.230, chapter 7, Laws of 1965 and RCW 35.50.230; amending section 35.53.010, chapter 7, Laws of 1965 and RCW 35.53.010; amending section 35.53.020, chapter 7, Laws of 1965 and RCW 35.53.020; amending section 35.53.050, chapter 7, Laws of 1965 and RCW 35.53.050; amending section 35.53.070, chapter 7, Laws of 1965 and RCW 35.53.070; amending section 35.67.120, chapter 7, Laws of 1965 and RCW 35.67.120; amending section 35.92.100, chapter 7, Laws of 1965 and RCW 35.92.100; adding a new section to chapter 7, Laws of 1965 and to chapter 35.41 RCW; and adding a new section to chapter 7, Laws of 1965 and to chapter 35.43 RCW; and declaring an emergency.

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

Section 1. There is added to chapter 7, Laws of 1965 and to chapter 35.43 RCW a new section to read as follows:

Whenever the legislative authority of any city or town has provided pursuant to law for the acquisition, construction, reconstruction, purchase, condemnation and purchase, addition to, repair, or renewal of the whole or any portion of a:

(1) System for providing the city or town and the inhabitants thereof with water, which system includes as a whole or as a part thereof water mains, hydrants or appurtenances which are authorized subjects for local improvements under RCW 35.43.040 (13) or other law; or a

(2) System for providing the city or town with sewerage and storm or surface water disposal, which system includes as a whole or as a part thereof drains, sewers or sewer appurtenances which are authorized subjects for local improvements under RCW 35.43.040 (7) or other law, and

Has further provided in accordance with any applicable provisions of the Constitution or statutory authority for the issuance and sale of revenue bonds

New section.

Cities and towns. Utility local improvement districts —Initiation and formation

Cities and towns. Utility local improvement districts—Initiation and formation.

to pay the cost of all or a portion of any such system, such legislative authority shall have the authority to establish utility local improvement districts, and to levy special assessments on all property specially benefited by any such local improvement to pay in whole or in part the damages or costs of any local improvements so provided for.

The initiation and formation of such utility local improvement districts and the levying, collection and enforcement of assessments shall be in the manner and subject to the same procedures and limitations as are now or hereafter provided by law for the initiation and formation of local improvement districts in cities and towns and the levying, collection and enforcement of assessments pursuant thereto.

It must be specified in any petition or resolution initiating the formation of such a utility local improvement district in a city or town and in the ordinance ordered pursuant thereto, that the assessments shall be for the sole purpose of payment into such revenue bond fund as may be specified by the legislative authority for the payment of revenue bonds issued to defray the cost of such system or any portion thereof as provided for in this section.

Assessments in any such utility local improvement district may be made on the basis of special benefits up to but not in excess of the total cost of the local improvements portion of any system payable by issuance of revenue bonds. No warrants or bonds shall be issued in any such utility local improvement district, but the collection of interest and principal on all assessments in such utility local improvement district, when collected, shall be paid into any such revenue bond fund.

When in the petition or resolution for establishment of a local improvement district and in the ordinance ordered pursuant thereto, it is specified or

provided that the assessments shall be for the sole purpose of payment into a revenue bond fund for the payment of revenue bonds, then the local improvement district shall be designated a "utility local improvement district".

The provisions of chapters 35.45, 35.47 and 35.48 RCW shall have no application to utility local improvement districts created under authority of this section.

Sec. 2. Section 35.43.030, chapter 7, Laws of 1965 and RCW 35.43.030 are each amended to read as follows:

RCW 35.43.030 amended.

This and the following chapters relating to municipal local improvements shall supersede the provisions of the charter of any city of the first class inconsistent herewith.

Utility and local improvement districts  
—Creation.

They shall apply to all incorporated cities and towns, including unclassified cities and towns operating under special charters.

The council of each city and town shall pass such general ordinance or ordinances as may be necessary to carry out their provisions and thereafter all proceedings relating to local improvements shall be conducted in accordance with this and the following chapters relating to municipal local improvements and the ordinance or ordinances of such city or town.

Cities or towns may form local improvement districts or utility local improvement districts composed entirely or in part of unincorporated territory adjacent to such city or town's corporate limits in the manner provided in this chapter.

Sec. 3. Section 35.43.050, chapter 7, Laws of 1965 and RCW 35.43.050 are each amended to read as follows:

RCW 35.43.050 amended.

A local improvement district or utility local improvement district may include adjoining, vicinal or

Noncontinuous improvements.

Utility and  
local improve-  
ment districts.

neighboring streets, avenues and alleys even though the improvement thus made is not connected or continuous: *Provided*, That the cost and expense of each continuous unit of the improvement shall be ascertained separately, as near as may be, and the assessment rates shall be computed on the basis of the cost and expense of each unit. In the event of the initiation of a local improvement district authorized by this section or a utility local improvement district authorized by this section, the legislative body may, in its discretion, eliminate from said district any unit of the improvement which is not connected or continuous and may proceed with the balance of the improvement within said local improvement district or utility local improvement district, as fully and completely as though said eliminated unit had not been included within the improvement district, without the giving of any notices to the property owners remaining within the district, other than such notices as are required by the provisions of this chapter to be given subsequent to such elimination.

RCW 35.43.075  
amended.

Sec. 4. Section 35.43.075, chapter 7, Laws of 1965 and RCW 35.43.075 are each amended to read as follows:

Petitions for  
district outside  
city may be  
denied.

Whenever the formation of a local improvement district or utility local improvement district which lies entirely or in part outside of a city or town's corporate limits is initiated by petition the legislative authority of the city or town may by a majority vote deny the petition and refuse to form the local improvement district or utility local improvement district.

RCW 35.43.080  
amended.

Sec. 5. Section 35.43.080, chapter 7, Laws of 1965 and RCW 35.43.080 are each amended to read as follows:

Every ordinance ordering a local improvement to be paid in whole or in part by assessments against the property specially benefited shall establish a local improvement district to be known as "local improvement district No. . . . .," or a utility local improvement district to be known as "utility local improvement district No. . . . .," which shall embrace as nearly as practicable all the property specially benefited by the improvement.

Ordinance—  
Creation of  
districts.

Unless otherwise provided in the ordinance ordering the improvement, the improvement district shall include all the property between the termini of the improvement abutting upon, adjacent, vicinal, or proximate to the street, avenue, lane, alley, boulevard, park drive, parkway, public place or square proposed to be improved to a distance of ninety feet back from the marginal lines thereof or to the center line of the blocks facing or abutting thereon, whichever is greater (in the case of unplatted property, the distance back shall be the same as in the platted property immediately adjacent thereto): *Provided*, That if the local improvement is such that the special benefits resulting therefrom extend beyond the boundaries as above set forth, the council may create an enlarged district to include as nearly as practicable all the property to be specially benefited by the improvement; the petition or resolution for an enlarged district and all proceedings pursuant thereto shall conform as nearly as practicable to the provisions relating to local improvement districts generally except that the petition or resolution must describe it as an enlarged district and state what proportion of the amount to be charged to the property specially benefited shall be charged to the property lying between the termini of the proposed improvement and extending back from the marginal lines thereof to the middle of the block (or ninety feet back) on each side thereof,

Utility and  
local improve-  
ment districts.

and what proportion thereof to the remainder of the enlarged district: *Provided Further*, That whenever the nature of the improvement is such that the special benefits conferred on the property are not fairly reflected by the use of the aforesaid termini and zone method, the ordinance ordering the improvement may provide that the assessment shall be made against the property of the district in accordance with the special benefits it will derive from the improvement without regard to the zone and termini method.

RCW 35.43.130  
amended.

Sec. 6. Section 35.43.130, chapter 7, Laws of 1965 and RCW 35.43.130 are each amended to read as follows:

Preliminary  
estimates and  
assessment  
rolls.

Upon the filing of a petition or upon the adoption of a resolution, as the case may be, initiating a proceeding for the formation of a local improvement district or utility local improvement district, the proper board, officer, or authority designated by charter or ordinance to make the preliminary estimates and assessment roll shall cause an estimate to be made of the cost and expense of the proposed improvement and certify it to the legislative authority of the city or town together with all papers and information in its possession touching the proposed improvement, a description of the boundaries of the district, a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed district, a statement in detail of the local improvement assessments outstanding and unpaid against the property in the proposed district, and a statement of the aggregate actual valuation of the real estate including twenty-five percent of the actual valuation of the improvements in the proposed district according to the valuation last placed upon it for the purposes of general taxation.

If the proceedings were initiated by petition the designated board, officer or authority shall also determine the sufficiency of the petition and whether the facts set forth therein are true. If the petition is found to be sufficient and in all proceedings initiated by resolution of the legislative authority of the city or town, the estimates must be accompanied by a diagram showing thereon the lots, tracts, and parcels of land and other property which will be specially benefited by the proposed improvement and the estimated amount of the cost and expense thereof to be borne by each lot, tract, or parcel of land or other property: *Provided*, That no such diagram shall be required where such estimates are on file in the office of the city engineer, or other designated city office, together with a detailed copy of the preliminary assessment roll and the plans and assessment maps of the proposed improvement.

For the purpose of estimating and levying local improvement assessments, the value of property of the United States, of the state, or of any county, city, town, school district, or other public corporation whose property is not assessed for general taxes shall be computed according to the standards afforded by similarly situated property which is assessed for general taxes.

Sec. 7. Section 35.43.160, chapter 7, Laws of 1965 and RCW 35.43.160 are each amended to read as follows:

RCW 35.43.160 amended.

No city or town shall proceed with a local improvement initiated by petition, if it appears from the preliminary estimates and assessment roll that the amount of the estimated cost and expense thereon, which is to be assessed against the property in the proposed district, when added to all other outstanding local improvement assessments against the property in the proposed district (excluding penalties and interest and excluding assessments for diking,

Restraints on authority—  
When initiated by petition.

Utility and  
local improve-  
ment districts.

drainage, sanitary fill or for filling any street to the established grade over any tideflats or tidelands or for storm or for sanitary sewer or water mains) exceeds the aggregate actual valuation of the real estate (including twenty-five percent of the actual valuation of the improvements thereon), within the district according to the valuation last placed upon it for the purposes of general taxation, unless the property owners or someone in their behalf, deposits with the city or town, a sum of money equal to the amount by which the estimated cost of the improvement exceeds the limit herein fixed: *Provided*, That the limitation of assessment herein fixed shall not apply to the improvement of a particular disconnected unit included in a local improvement district or utility local improvement district as permitted by RCW 35.43.050, but shall pertain only to the local improvement district or utility local improvement district as a whole.

RCW 35.43.180  
amended.

Sec. 8. Section 35.43.180, chapter 7, Laws of 1965 as amended by section 2, chapter 58, Laws of 1965 and RCW 35.43.180 are each amended to read as follows:

Restraints by  
protest.

The jurisdiction of the legislative authority of a city or town to proceed with any local improvement initiated by resolution shall be divested by a protest filed with the city or town council within thirty days from the date of passage of the ordinance ordering the improvement, signed by the owners of the property within the proposed local improvement district or utility local improvement district subject to sixty percent or more of the total cost of the improvement including federally-owned or other nonassessable property as shown and determined by the preliminary estimates and assessment roll of the proposed improvement district or, if all or part of the local improvement district or utility local improvement district lies outside of the city or town,

such jurisdiction shall be divested by a protest filed in the same manner and signed by the owners of property which is within the proposed local improvement district or utility local improvement district but outside the boundaries of the city or town, and which is subject to sixty percent or more of that part of the total cost of the improvement allocable to property within the proposed local improvement district or utility local improvement district but outside the boundaries of the city or town, including federally-owned or other nonassessable property: *Provided*, That such restraint by protest shall not apply to any local improvement by sanitary sewers or watermains and fire hydrants where the health officer of any city or town shall file with the legislative authority thereof a report showing the necessity for such improvement accompanied by a report of the chief of the fire department in the event such improvement includes fire hydrants, and such legislative body finds and recites in the ordinance or resolution authorizing the improvement that such improvement is necessary for the protection of the public health and safety and such ordinance or resolution is passed by unanimous vote of all members present.

Sec. 9. Section 35.44.010, chapter 7, Laws of 1965 and RCW 35.44.010 are each amended to read as follows:

All property included within the limits of a local improvement district or utility local improvement district shall be considered to be the property specially benefited by the local improvement and shall be the property to be assessed to pay the cost and expense thereof or such part thereof as may be chargeable against the property specially benefited. The cost and expense shall be assessed upon all the property in accordance with the special benefits conferred thereon in proportion to area and distance

RCW 35.44.010  
amended.

Assessments  
and reassess-  
ments. Assess-  
ment district—  
All property to  
be assessed—  
Basis.

back from the marginal line of the public way or area improved.

RCW 35.44.030  
amended.

Sec. 10. Section 35.44.030, chapter 7, Laws of 1965 and RCW 35.44.030 are each amended to read as follows:

Utility and  
local improve-  
ment districts  
—Assessment  
districts—  
Zones.

For the purpose of ascertaining the amount to be assessed against each separate lot, tract, parcel of land or other property therein, the local improvement district or utility local improvement district shall be divided into subdivisions or zones paralleling the margin of the street, avenue, lane, alley, boulevard, park drive, parkway, public place or public square to be improved, numbered respectively first, second, third, fourth, and fifth.

The first subdivision shall include all lands within the district lying between the street margins and lines drawn parallel therewith and thirty feet therefrom.

The second subdivision shall include all lands within the district lying between lines drawn parallel with and thirty and sixty feet respectively from the street margins.

The third subdivision shall include all lands within the district lying between lines drawn parallel with and sixty and ninety feet respectively from the street margins.

The fourth subdivision shall include all lands, if any, within the district lying between lines drawn parallel with and ninety and one hundred twenty feet respectively from the street margins.

The fifth subdivision shall include all lands, if any, within the district lying between a line drawn parallel with and one hundred twenty feet from the street margin and the outer limit of the improvement district.

RCW 35.44.140  
amended.

Sec. 11. Section 35.44.140, chapter 7, Laws of 1965 and RCW 35.44.140 are each amended to read as follows:

All lands held or owned by any county in fee simple, in trust, or otherwise within the limits of a local improvement district or utility local improvement district in a city or town shall be assessed and charged for their proportion of the cost of the local improvement in the same manner as other property in the district and the county commissioners are authorized to cause the assessments to be paid at the times and in the manner provided by law and the ordinances of the city or town. This section shall apply to all cities and towns, any charter or ordinance provision to the contrary notwithstanding.

County property assessment.

Sec. 12. Section 35.44.360, chapter 7, Laws of 1965 and RCW 35.44.360 are each amended to read as follows:

RCW 35.44.360 amended.

If by reason of mistake, inadvertence, or for any cause, property in a local improvement district or utility local improvement district which except for its omission would have been subject to assessment has been omitted from the assessment roll, the city or town council, upon its own motion, or upon the application of the owner of any property in the district which has been assessed for the improvement, may proceed to assess the property so omitted in accordance with the benefits accruing to it by reason of the improvement in proportion to the assessments levied upon other property in the district.

Assessments on omitted property—Authority.

Sec. 13. Section 35.49.010, chapter 7, Laws of 1965 and RCW 35.49.010 are each amended to read as follows:

RCW 35.49.010 amended.

All assessments for local improvements in local improvement districts shall be collected by the city treasurer and shall be kept in a separate fund to be known as "local improvement fund, district No. . . . . ." and shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to provide payment for the cost and expense of the improvement.

Collection of assessments—Notice.

Cities and towns—Improvement districts.

All assessments for local improvements in a utility local improvement district shall be collected by the city treasurer, shall be paid into the appropriate revenue bond fund, and shall be used for no other purpose than the redemption of revenue bonds issued to provide funds for the cost and expense of the improvement.

Collection of assessments—Notice.

As soon as the assessment roll has been placed in the hands of the city or town treasurer for collection, he shall publish a notice in the official newspaper of the city or town for ten consecutive daily or two consecutive weekly issues, that the roll is in his hands for collection and that all or any portion of the assessment may be paid within thirty days from the date of the first publication of the notice without penalty, interest or costs.

RCW 35.49.060 amended.

Sec. 14. Section 35.49.060, chapter 7, Laws of 1965 and RCW 35.49.060 are each amended to read as follows:

Collection of assessments—Payment by city or town.

On or before the fifteenth day of August of each year, the city or town treasurer shall certify to the city or town council a detailed statement showing:

- (1) The proceedings authorizing and confirming any local improvement assessments or utility local improvement assessments affecting city or town property,
- (2) The lots, tracts, or parcels of lands of the city or town so assessed,
- (3) The several assessments against each,
- (4) The interest, penalties, and charges thereon,
- (5) The penalties and charges which will accrue upon the assessments to the date of payment, and
- (6) The total of all such assessments, interest, penalty, and charges.

The longest outstanding liens shall be paid first, but if the money in the "city (or town) property assessments redemption fund" is insufficient at any time to discharge all such liens against the lands of

the city or town upon a given assessment roll, the city or town treasurer may pay such portion thereof as may be possible from the funds available.

If deemed necessary, the city or town council may transfer money from the general fund to the redemption fund as a loan to be repaid when the money is available for repayment.

Sec. 15. Section 35.49.070, chapter 7, Laws of 1965 and RCW 35.49.070 are each amended to read as follows:

RCW 35.49.070 amended.

Upon the confirmation of the assessment roll for a local improvement district or utility local improvement district, the city or town treasurer shall certify and forward to the board of county commissioners a statement of all the lots, tracts, or parcels of land held or owned by the county assessed thereon, separately describing each lot, tract, or parcel, with the amount of the assessment charged against it.

Payment by county.

The board of county commissioners shall cause the amount of such local assessments to be paid to the city or town as other claims against the county are paid.

If title to any property thus described was acquired by the county through foreclosure of general tax liens, the county shall:

- (1) Pay the assessment from the proceeds of the sale of the property; or
- (2) Sell the property subject to the lien of the assessment.

Sec. 16. Section 35.49.080, chapter 7, Laws of 1965 and RCW 35.49.080 are each amended to read as follows:

RCW 35.49.080 amended.

Upon the confirmation of the assessment roll for a local improvement district or utility local improvement district, the city treasurer shall certify and forward to the board of park commissioners of any metropolitan park district in which the city is

Collection of assessments—  
Payment by metropolitan park district.

located, a statement of all the lots, tracts, and parcels of land or other property held or owned by the district, assessed thereon, separately describing each lot, tract, or parcel with the amount of the assessment charged against it.

The board of park commissioners shall cause the amount of the local assessments to be paid as other claims against the metropolitan park district are paid.

RCW 35.50.020 amended.

Sec. 17. Section 35.50.020, chapter 7, Laws of 1965 and RCW 35.50.020 are each amended to read as follows:

Cities and towns. Improvement districts. Foreclosure of assessments—Assessment lien—Validity.

If the city or town council in making assessments against any property within any local improvement district or utility local improvement district has acted in good faith and without fraud, the assessments shall be valid and enforceable as such and the lien thereof upon the property assessed shall be valid.

It shall be no objection to the validity of the assessment, or the lien thereof:

(1) That the contract for the improvement was not awarded in the manner or at the time required by law; or

(2) That the assessment was made by an unauthorized officer or person if the assessment roll was confirmed by the city or town authorities; or

(3) That the assessment is based upon a front foot basis, or upon a basis of benefits to the property within the improvement district unless it is made to appear that the city or town authorities did not act in good faith and did not attempt to act fairly in regard thereto or unless it is made to appear that the city or town authorities acted fraudulently or oppressively in making the assessment.

All local improvement assessments heretofore or hereafter made by city or town authorities in good faith are valid and in full force and effect.

Sec. 18. Section 35.50.070, chapter 7, Laws of 1965 and RCW 35.50.070 are each amended to read as follows:

RCW 35.50.070 amended.

It shall not be necessary to bring a separate suit for each lot, tract, or parcel of land or other property or for each separate local improvement district or utility local improvement district, but all or any part of the property upon which local improvement assessments are delinquent under any and all local improvement assessment rolls in the city or town may be proceeded against in the same action and all or any of the owners or persons interested in any of the property being foreclosed upon may be joined as parties defendant in a single action to foreclose, and all or any liens for such delinquent assessments or installments thereof may be foreclosed in such proceeding.

Procedure—Parties and property included.

Sec. 19. Section 35.50.230, chapter 7, Laws of 1965 and RCW 35.50.230 are each amended to read as follows:

RCW 35.50.230 amended.

In the alternative method of foreclosing local improvement assessment liens, all or any of the lots, tracts, or parcels of land or other property included in the assessment for one local improvement district or one utility local improvement district may be proceeded against in the same action. All persons owning or claiming to own or having or claiming to have any interest in or lien upon the lots, tracts, or parcels involved in the action and all persons unknown who may have an interest or claim of interest therein shall be made defendants thereto.

Alternative procedure—Parties and property included.

Sec. 20. Section 35.53.010, chapter 7, Laws of 1965 and RCW 35.53.010 are each amended to read as follows:

RCW 35.53.010 amended.

Property bid in by the city or town or struck off to it pursuant to proceedings for the foreclosure of local improvement assessment liens shall be held in

Disposition of property.

Cities and Towns. Improvement districts. Disposition of property acquired.

trust by the city or town for the fund of the improvement district or the revenue bond fund into which assessments in utility local improvement districts are pledged to be paid for the benefit of which the property was sold. Any property so held in trust shall be exempt from taxation for general state, county and municipal purposes during the period that it is so held.

RCW 35.53.020 amended

Sec. 21. Section 35.53.020, chapter 7, Laws of 1965 and RCW 35.53.020 are each amended to read as follows:

Discharge of trust.

The city or town may relieve itself of its trust relation to a local improvement district fund or revenue bond fund into which utility local improvement assessments are pledged to be paid as to any lot, tract, or parcel of property by paying into the fund the amount of the delinquent assessment for which the property was sold and all accrued interest, together with interest to the time of the next call of bonds or warrants against such fund at the rate provided thereon. Upon such payment the city or town shall hold the property discharged of the trust.

RCW 35.53.050 amended.

Sec. 22. Section 35.53.050, chapter 7, Laws of 1965 and RCW 35.53.050 are each amended to read as follows:

Termination of trust in certain property—Complaint—Allegations.

The complaint in any such action by a city or town to terminate its trust in property acquired at a local improvement assessment sale shall set forth:

- (1) The number of the local improvement district or utility local improvement district,
- (2) The bonds and warrants owing thereby,
- (3) The owners thereof or that the owners are unknown,
- (4) A description of the assets of the district with the estimated value thereof,
- (5) The amount of the assessments, including penalty and interest, of any other local improve-

ment districts or utility local improvement districts which are a lien upon the same property,

(6) The amount of the bonds and warrants owing by such other districts and the names of the owners thereof unless they are unknown, except where the bonds and warrants are guaranteed by a local improvement guaranty fund or pursuant to any other form of guaranty authorized by law.

Sec. 23. Section 35.53.070, chapter 7, Laws of 1965 and RCW 35.53.070 are each amended to read as follows: RCW 35.53.070 amended.

In such an action the court after acquiring jurisdiction shall proceed as in the case of a receivership except that the city or town shall serve as trustee in lieu of a receiver. Receivership—Regulations.

The assets of the improvement districts involved shall be sold at such prices and in such manner as the court may deem advisable and be applied to the costs and expenses of the action and the liquidation of the bonds and warrants of the districts or revenue bonds to which utility local improvement assessments are pledged to pay.

No notice to present claims other than the summons in the action shall be necessary. Any claim presented shall be accompanied by the bonds and warrants upon which it is based. Dividends upon any bonds or warrants for which no claim was filed shall be paid into the general fund of the city or town, but the owner thereof may obtain it at any time within five years thereafter upon surrender and cancellation of his bonds and warrants.

Upon the termination of the receivership the city or town shall be discharged from all trusts relating to the property, funds, bonds, and warrants involved in the action.

Sec. 24. Section 35.67.120, chapter 7, Laws of 1965 and RCW 35.67.120 are each amended to read as follows: RCW 35.67.120 amended.

Cities and towns. Sewerage systems—Refuse collection and disposal—Revenue bond fund.

After the city or town legislative body adopts a proposition for any such public utility, and either (1) no general indebtedness has been authorized, or (2) the city or town legislative body does not desire to incur a general indebtedness, and the legislative body can lawfully proceed without submitting the proposition to a vote of the people, it may create a special fund or funds for the sole purpose of defraying the cost of the proposed system, or additions, betterments or extensions thereto.

The city or town legislative body may obligate the city or town to set aside and pay into this special fund: (1) A fixed proportion of the gross revenues of the system, or (2) a fixed amount out of and not exceeding a fixed proportion of the gross revenues, or (3) a fixed amount without regard to any fixed proportion, and (4) amounts received from any utility local improvement district assessments pledged to secure such bonds.

RCW 35.92.100 amended.

Sec. 25. Section 35.92.100, chapter 7, Laws of 1965 and RCW 35.92.100 are each amended to read as follows:

Municipal utilities. Revenue bonds or warrants.

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 not exceeding six percent per year, 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, or Title 62A, 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.

Municipal utilities. Revenue bonds or warrants.

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.

New section.

Sec. 26. There is added to chapter 7, Laws of 1965 and to chapter 35.41 RCW a new section to read as follows:

The legislative body of any city or town may provide as an additional method for securing the payment of any such bonds issued to pay the whole or a portion of the cost of providing the city or town with a system of water or sewerage as set forth in section 1 of this 1967 amendatory act, that utility local improvement district assessments authorized to be made for the purposes and subject to the limitations contained in section 1 of this 1967 amendatory act may be pledged to secure the payment of such bonds.

Authority to pledge improvement district assessments to pay revenue bonds.

Sec. 27. The authority granted by this 1967 amendatory act shall be considered an alternative and additional method of securing payment of revenue bonds issued for the purposes specified in section 1 of this 1967 amendatory act and shall not be construed as a restriction or limitation upon any other method for providing for the payment of any such revenue bonds.

Provisions of act additional and cumulative.

Sec. 28. The legislative authority of any city or town may by ordinance convert any then existing local improvement district into a utility local improvement district at any time prior to the adoption of an ordinance approving and confirming the final assessment roll of such local improvement district. The ordinance so converting the local improvement district shall provide for the payment of the special assessments levied in that district into the special fund established or to be established for the payment of revenue bonds issued to defray the cost of the local improvement in that district.

Conversion of improvement district.

Sec. 29. 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.

Severability.

Emergency.

Sec. 30. 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 7, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 53.

[Engrossed House Bill No. 174.]

WATER RESOURCES—BASIC DATA FUND—STREAM GAUGING FUND.

AN ACT relating to water resources; authorizing the creation of basic data fund; abolishing the stream gauging fund; transferring funds; and amending section 43.21.140, chapter 8, Laws of 1965, and RCW 43.21.140.

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

RCW 43.21.140 amended.

Section 1. Section 43.21.140, chapter 8, Laws of 1965, and RCW 43.21.140 are each amended to read as follows:

Water resources. Basic data fund—Creation—Sources—Use.

The director of conservation, through the division of water resources, may create within his department a fund to be known as the "basic data fund."

Into such fund shall be deposited all moneys contributed by persons for stream flow, ground water and water quality data or other hydrographic information furnished by the department in cooperation with the United States geological survey, and the fund shall be expended on a matching basis with the United States geological survey for the purpose of obtaining additional basic information needed for an intelligent inventory of water resources in the state.

Disbursements from the basic data fund shall be

on vouchers approved by the supervisor of water resources and the district engineer of the United States geological survey.

Sec. 2. On and after the effective date of this act the stream gauging fund shall be abolished, and all moneys in the state treasury to the credit of the stream gauging fund shall be transferred to the basic data fund on the effective date of this act, and all moneys thereafter paid into the state treasury for or to the credit of the stream gauging fund shall be transferred to the basic data fund.

Stream gauging fund—  
Abolished—  
Transfer of funds.

Passed the House February 1, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 54.

[Engrossed House Bill No. 476.]

### TUBERCULOSIS CONTROL.

AN ACT relating to public health; and providing for the control of tuberculosis; amending sections 1, 2 and 5, chapter 71, Laws of 1899 and RCW 70.28.010, 70.28.020 and 70.28.050; amending sections 1, 3, 4, 5 and 9, chapter 172, Laws of 1913 and RCW 70.30.010, 70.30.040, 70.30.050, 70.30.060 and 70.30.100; amending section 7, chapter 172, Laws of 1913 as amended by section 1, chapter 80, Laws of 1915 and RCW 70.30.080; amending sections 4, 5 and 6, chapter 162, Laws of 1943 as last amended by sections 4, 5 and 6, chapter 66, Laws of 1945 and RCW 70.32.040, 70.32.050 and 70.36.060; amending section 3, chapter 4, Laws of 1953 extraordinary session and RCW 70.32.080; repealing section 3, chapter 71, Laws of 1899 and RCW 70.28.030; repealing sections 6, 8, 14 and 16, chapter 172, Laws of 1913 and RCW 70.30.070, 70.30.090, 70.30.120 and 70.30.150; repealing section 4, chapter 117, Laws of 1959 and RCW 70.32.011; repealing sections 1, 2, 3 and 4, chapter 327, Laws of 1955 and RCW 70.32.022 through 70.32.025; repealing section 7, chapter 162, Laws of 1943 as amended by section 7, chapter 66, Laws of 1945 and RCW 70.32.070; repealing sections 1 through 10 and 13 through 19, chapter 86, Laws of 1935 and RCW 70.34.010 through

70.34.190; repealing sections 1 through 6, chapter 220, Laws of 1945 and RCW 70.36.010 through 70.36.060; and providing penalties.

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

RCW 70.28.010 amended.

Section 1. Section 1, chapter 71, Laws of 1899 and RCW 70.28.010 are each amended to read as follows:

Tuberculosis control. Physicians report.

All practicing physicians in the state are hereby required to report to the local boards of health in writing, the name, age, sex, occupation and residence of every person having tuberculosis who has been attended by, or who has come under the observation of such physician within five days thereof.

RCW 70.28.020 amended.

Sec. 2. Section 2, chapter 71, Laws of 1899 and RCW 70.28.020 are each amended to read as follows:

Record of reports.

All local boards of health in this state are hereby required to receive and keep a permanent record of the reports required by RCW 70.28.010 to be made to them; such records shall not be open to public inspection, but shall be submitted to the proper inspection of other local and state boards of health alone, and such records shall not be published nor made public.

RCW 70.28.050 amended.

Sec. 3. Section 5, chapter 71, Laws of 1899, and RCW 70.28.050 are each amended to read as follows:

Enforcement.

It is hereby made the duty of every person having tuberculosis and of every one attending such person, and of the authorities of public and private institutions, hospitals or dispensaries, to observe and enforce the sanitary rules and regulations prescribed from time to time by the local boards of health and by the state board of health for the prevention of the spread of pulmonary tuberculosis.

Duties of local health officers.

Sec. 4. Each health officer is hereby directed to use every available means to ascertain the existence of, and immediately to investigate, all reported or

suspected cases of tuberculosis in the infectious stages within his jurisdiction and to ascertain the sources of such infections. In carrying out such investigations, each health officer is hereby invested with full powers of inspection, examination and quarantine or isolation of all persons known to be infected with tuberculosis in an infectious stage or persons who have been previously diagnosed as having tuberculosis and who are under medical orders for periodic follow-up examinations and is hereby directed:

(a) To make such examinations as are deemed necessary of persons reasonably suspected of having tuberculosis in an infectious stage and to isolate or quarantine such persons, whenever deemed necessary for the protection of the public health.

(b) To make such examinations as deemed necessary of persons who have been previously diagnosed as having tuberculosis and who are under medical orders for periodic follow-up examinations.

(c) Follow local rules and regulations regarding examinations, quarantine, or isolation, and all rules, regulations, and orders of the state board and of the department in carrying out such examination, quarantine or isolation.

(d) Whenever the health officer shall determine on reasonable grounds that an examination of any person is necessary for the preservation and protection of the public health, he shall make an examination order in writing, setting forth the name of the person to be examined, the time and place of the examination, and such other terms and conditions as may be necessary to protect the public health. Nothing contained in this subdivision shall be construed to prevent any person whom the health officer determines should have an examination for infectious tuberculosis from having such an examination made

Tuberculosis control. Duties of local health officers. Orders.

by a physician of his own choice who is licensed to practice osteopathy and surgery under chapter 18.57 RCW or medicine and surgery under chapter 18.71 RCW under such terms and conditions as the health officer shall determine on reasonable grounds to be necessary to protect the public health.

(e) Whenever the health officer shall determine that quarantine or isolation in a particular case is necessary for the preservation and protection of the public health, he shall make an isolation or quarantine order in writing, setting forth the name of the person to be isolated, the period of time during which the order shall remain effective, the place of isolation or quarantine, and such other terms and conditions as may be necessary to protect the public health.

(f) Upon the making of an examination, isolation, or quarantine order as provided in this section, a copy of such order shall be served upon the person named in such order.

(g) Upon the receipt of information that any examination, quarantine, or isolation order, made and served as herein provided, has been violated, the health officer shall advise the prosecuting attorney of the county in which such violation has occurred, in writing, and shall submit to such prosecuting attorney the information in his possession relating to the subject matter of such examination, isolation, or quarantine order, and of such violation or violations thereof.

(h) Any and all orders authorized under this section shall be made by the health officer or his tuberculosis control officer.

Violations of order—Penalty.

Sec. 5. Inasmuch as the order provided for by section 4 of this 1967 amendatory act is for the protection of the public health, any person who, after service upon him of an order of a health officer directing his isolation or examination as provided

for in section 4 of this 1967 amendatory act, violates or fails to comply with the same or any provision thereof, is guilty of a misdemeanor, and, upon conviction thereof, in addition to any and all other penalties which may be imposed by law upon such conviction, may be ordered by the court confined until such order of such health officer shall have been fully complied with or terminated by such health officer, but not exceeding six months from the date of passing judgment upon such conviction: *Provided*, That the court, upon suitable assurances that such order of such health officer will be complied with, may place any person convicted of a violation of such order of such health officer upon probation for a period not to exceed two years, upon condition that the said order of said health officer be fully complied with: *And provided further*, That upon any subsequent violation of such order of such health officer, such probation shall be terminated and confinement as herein provided ordered by the court.

Sec. 6. In addition to the proceedings set forth in section 5 of this 1967 amendatory act, where a local health officer has reasonable cause to believe that an individual has tuberculosis as defined in the rules and regulations of the state board of health, and the individual refuses to obey the order of the local health officer to appear for an initial examination or a follow-up examination, the health officer may apply to the superior court for an order requiring the individual to comply with the order of the local health officer.

Superior court  
order for com-  
pliance.

Sec. 7. Where it has been determined after an examination as prescribed above, that an individual has active tuberculosis, and he resides in a county in which no tuberculosis facility is located, upon application to the superior court by the local health officer, the superior court may order the sheriff to

Isolation of  
tubercular  
persons.

transport said individual to a designated tuberculosis facility for isolation, treatment and care until such time as the medical director of the hospital determines that his condition is such that it is safe for him to be discharged from the facility.

RCW 70.30.010  
amended.

Sec. 8. Section 1, chapter 172, Laws of 1913 and RCW 70.30.010 are each amended to read as follows:

Public health.  
County and  
city tubercu-  
losis hospitals  
—County shall  
maintain—  
Power of com-  
missioners.

The board of county commissioners of any county shall have power to establish, provide and maintain hospitals for the care and treatment of persons suffering from tuberculosis.

For these purposes, said board of county commissioners shall have the following powers:

To purchase or lease real property therefor or to use for this purpose lands already owned by the county, providing such site shall first be approved by the state board of health.

To erect all necessary buildings, make all necessary improvements or repairs and alter any existing building for the use of said hospital: *Provided*, That the plans for such erection or alteration shall first be approved by the state board of health.

To use county moneys, to levy taxes and to issue bonds as authorized by law to raise a sufficient amount of money to cover the cost of procuring a site, constructing and equipping hospitals and for the maintenance thereof, and all other necessary and proper expenses herein authorized, and create a fund to be known as the "tuberculosis fund", from which all expenses herein provided for shall be paid.

To appoint a board of managers for said hospitals as hereinafter provided. To accept and hold in trust for the county any grant of land, gift or bequest of money, or any donation for the benefit of the purposes of this chapter, and apply the same in accordance with the terms of the gift.

Sec. 9. Section 3, chapter 172, Laws of 1913 and RCW 70.30.040 are each amended to read as follows:

The board of managers shall appoint a medical director of the hospital, who shall be the secretary of the board and shall hold office at the pleasure of said board. Said medical director shall not be a member of the board of managers, and shall be a qualified and licensed practitioner of medicine.

Said board of managers shall fix the salaries of the medical director and all other officers and employees and the management of said hospital shall be entirely in the hands of such board.

Sec. 10. Section 4 of chapter 172, Laws of 1913, and RCW 70.30.050 are each amended to read as follows:

The county treasurer of any county which establishes such a facility shall be the treasurer of such facility, and shall receive all moneys raised by taxation or otherwise or paid for the maintenance of patients of such facility, and shall disburse all moneys to be paid on account of such facility upon warrants drawn upon such fund by the county auditor, as approved by the board of managers.

Sec. 11. Section 5, chapter 172, Laws of 1913, and RCW 70.30.060 are each amended to read as follows:

Any person residing in the state and needing treatment in a tuberculosis facility, may apply in person to the local health officer or to any licensed physician for examination and if such physician has reasonable cause to believe that said person is suffering from tuberculosis in any form he may apply to the local health officer for admission of said person to the facility. Upon receipt of such application, if the local health officer concurs in said diagnosis he shall contact the medical director of the hospital and the local health officer shall notify the person named in such application to appear in person at the hospital. If upon the conclusion of the

RCW 70.30.040  
amended.

Superin-  
tendent—  
Qualification  
—Salary.

RCW 70.30.050  
amended.

Treasurer—  
Duties.

RCW 70.30.060  
amended.

Admissions to  
hospitals.

examination the medical director is satisfied that such person is suffering from tuberculosis he shall be admitted for treatment.

Tuberculosis control. Liability for cost of care and treatment.

Sec. 12. The state board of health shall adopt rules and regulations which establish standards to determine the ability of the patient or his relatives who are liable under the laws of the state of Washington for his support to contribute for his care in any tuberculosis hospital or facility as provided for in this 1967 amendatory act. The standards established by the board shall be enforced by all local health officers. Reports shall be made by the local health officers to the state department of health on forms furnished by the department and as prescribed by it. If the patient or said relatives are not financially able to contribute in whole or in part to his care in the facility, said patient shall be admitted free of charge, or upon the payment of a portion of the charges. The determination by the local health officer of the patient or his relatives to pay shall be made prior to the admission of the patient to the tuberculosis facility.

RCW 70.30.080 amended.

Sec. 13. Section 7, chapter 172, Laws of 1913 as amended by section 1, chapter 80, Laws of 1915 and RCW 70.30.080 are each amended to read as follows:

Inspections.

All tuberculosis hospitals or facilities established or maintained under the provisions of this chapter shall be subject to inspection by any authorized representative of the state board of health, and the board of county commissioners, and the medical director shall admit such representatives into every part of the facility and its buildings, and give them access on demand to all records, reports, books, papers and accounts pertaining to the facility.

RCW 70.30.100 amended.

Sec. 14. Section 9, chapter 172, Laws of 1913, and RCW 70.30.100 are each amended to read as follows:

Any resident of the state of Washington living outside of a county maintaining a tuberculosis hospital or facility may apply for treatment, or any county may apply on behalf of its residents and the same may be provided for out of county funds if said patient or his relatives are unable to pay for such care pursuant to section 12 of this 1967 amendatory act, but nonresidents of a county shall not be provided for to the exclusion of residents of said county: *Provided*, That any resident of the state, residing in a county maintaining a tuberculosis hospital or facility may apply through his local health officer for treatment in a tuberculosis facility in another county if the local health officer determines there is a reasonable basis for the request and if there is a vacant bed therein. If the patient or his relatives are unable to pay for his care as set forth above, the county commissioners shall pay for his care in the tuberculosis facility in the other county.

Admission of nonresidents.

Sec. 15. Section 4, chapter 162, Laws of 1943 as amended by section 4, chapter 66, Laws of 1945 and RCW 70.32.040 are each amended to read as follows:

RCW 70.32.040 amended.

There shall be in all counties maintaining a tuberculosis hospital a medical director who shall be the administrator of the hospital. In case the medical director is a part time employee then the medical director or local health officer may be appointed administrator.

Administrator of the hospital.

Sec. 16. Section 5, chapter 162, Laws of 1943 as amended by section 5, chapter 66, Laws of 1945 and RCW 70.32.050 are each amended to read as follows:

RCW 70.32.050 amended.

All arrangements for hospital care, tuberculosis case finding and post hospital public health follow-up of known cases of tuberculosis shall be the responsibility of the local health officer.

Responsibility of local health officers.

RCW 70.32.060  
amended.

Sec. 17. Section 6, chapter 162, Laws of 1943 as amended by section 6, chapter 66, Laws of 1945 and RCW 70.32.060 are each amended to read as follows:

Tuberculosis  
control—Ad-  
mission of  
patients—Re-  
ports.

The admission of all patients whose maintenance is paid for in whole or in part by county or state funds to a county hospital or facility shall be upon application to the local health officer. Medical reports on the condition of such patients shall be submitted to the health department of the county maintaining the patient's support by the hospital medical director at such times, on such forms and in accordance with such procedure as may be prescribed by the state director of health.

RCW 70.32.080  
amended.

Sec. 18. Section 3, chapter 4, Laws of 1953 extraordinary session and RCW 70.32.080 are each hereby amended to read as follows:

Consolidation.

The state director of health shall annually review the tuberculosis hospitalization program in the state to determine if, through the transfer of tuberculosis patients from one tuberculosis hospital or facility into another tuberculosis hospital or facility which maintains good standards of medical care as determined by the state department of health, taking into consideration the welfare of the patients concerned, and the geographic distribution and availability of existing tuberculosis hospitals and facilities, a financial savings will result to the state for tuberculosis control. Prior to giving notice of the proposed transfer, the director of health shall conduct a public hearing in the county in which the tuberculosis hospital or facility is located from which the tuberculosis patients are to be transferred; thirty days' notice of such hearing shall be given by the director of health to the affected hospital and the general public. If the director of health shall determine after the hearing that (1) the welfare of the patient will not be adversely affected, and that (2) financial savings will result to the

state, he shall notify the county requesting that such transfer be effectuated within a reasonable time but not to exceed one year from the date of such notification: *Provided*, That if the said county refuses to make such transfers, the director of health shall not allocate any state funds for tuberculosis control to said county.

**NOTE:** See also section 14, chapter 110, Laws of 1967 ex. sess.

Sec. 19. The following acts or parts of acts and RCW sections are each hereby repealed: Repeal.

(1) Section 3, chapter 71, Laws of 1899 and RCW 70.28.030;

(2) Sections 6, 8, 14 and 16, chapter 172, Laws of 1913 and RCW 70.30.070, 70.30.090, 70.30.120 and 70.30.150;

(3) Section 4, chapter 117, Laws of 1959 and RCW 70.32.011;

(4) Sections 1, 2, 3 and 4, chapter 327, Laws of 1955 and RCW 70.32.022 through 70.32.025;

(5) Section 7, chapter 162, Laws of 1943 as amended by section 7, chapter 66, Laws of 1945 and RCW 70.32.070;

(6) Sections 1 through 10 and 13 through 19, chapter 86, Laws of 1935 and RCW 70.34.010 through 70.34.190; and

(7) Sections 1 through 6, chapter 220, Laws of 1945 and RCW 70.36.010 through 70.36.060.

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. Severability.

Passed the House March 1, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 55.

[Substitute House Bill No. 794.]

## CLASS I LIQUOR LICENSE.

AN ACT relating to intoxicating liquors; adding a new section to chapter 66.24 RCW; and declaring an emergency.

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

New section.

Section 1. There is added to chapter 66.24 RCW a new section to read as follows:

Alcoholic beverage control.  
Class I licenses.

There shall be a retailer's license to be designated as a class I license; this shall be a special occasion license to be issued to the holder of a class H license to extend his privilege of selling and serving beer, wine and spirituous liquor by the individual glass, and beer and wine by the opened bottle, at retail, for consumption on the premises, to persons attending a national, or state, or regional (out-of-state) convention or meeting when events of such groups are held on premises other than a class H licensed premises and for consumption on the premises of such outside location. The holder of such special occasion license shall be allowed to remove from his liquor stocks at his licensed class H premises, liquor for sale and service at such convention or meeting locations: *Provided*, That such special license shall be issued only when the facilities of class H licensees in the particular city or county are not suitable and adequate to accommodate the number of persons attending such conventions or meetings: *And provided further*, That the Washington state liquor control board may issue banquet permits when such groups prefer to provide their own liquor under such a permit rather than avail themselves of sale and service of liquor by the holder of a class I license. Such special class I license shall be issued for a specified date and place and

upon payment of a fee of twenty-five dollars per day.

Sec. 2. This 1967 amendatory act is necessary for **Emergency.** 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 2, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 20, 1967.

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## CHAPTER 56.

[Substitute House Bill No. 137.]

### TRADE CENTER ACT.

AN ACT relating to port districts; and providing power and authority to establish a trade center.

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

Section 1. It is declared to be the finding of the legislature of the state of Washington that:

Port districts.  
Trade centers.  
Legislative findings.

(1) The servicing functions and activities connected with the oceanborne and overseas airborne trade and commerce of port districts, including customs clearance, shipping negotiations, cargo routing, freight forwarding, financing, insurance arrangements and other similar transactions which are presently performed in various, scattered locations in the districts should be centralized to provide for more efficient and economical transportation of persons and more efficient and economical facilities for the exchange and buying, selling and transportation of commodities and other property in world trade and commerce;

(2) Unification, at a single, centrally located site of a facility of commerce, i.e., a trade center, accom-

Port districts.  
Trade centers.  
Legislative  
findings.

modating the functions and activities described in subsection (1) of this section and the appropriate governmental, administrative and other services connected with or incidental to transportation of persons and property and the promotion and protection of port commerce, and providing a central locale for exhibiting, and otherwise promoting the exchange and buying and selling of commodities and property in world trade and commerce, will materially assist in preserving the material and other benefits of a prosperous port community;

(3) The undertaking of the aforesaid unified trade center project by a port district has the single object of preserving, and will aid in the promotion and preservation of, the economic well being of the port district and the state of Washington and is found and determined to be a public purpose.

Authority to  
establish.

Sec. 2. In addition to all other powers granted to port districts, any such district may acquire, as provided for other port properties in RCW 53.08.010, construct, develop, operate and maintain all land or other property interests, buildings, structures or other improvements necessary to provide a trade center including but not limited to:

(1) A facility consisting of one or more structures, improvements and areas for the centralized accommodation of public and private agencies, persons and facilities in order to afford improved service to waterborne and airborne import and export trade and commerce;

(2) Facilities for the promotion of such import and export trade and commerce, inspection, testing, display and appraisal facilities, foreign trade zones, terminal and transportation facilities, office meeting rooms, auditoriums, libraries, language translation services, storage, warehouse, marketing and exhibition facilities, facilities for federal, state, county and other municipal and governmental agencies provid-

ing services relating to the foregoing and including, but not being limited to, customs houses and customs stores, and other incidental facilities and accommodations.

Sec. 3. In carrying out the powers authorized by this act, port districts are authorized to cooperate and act jointly with other public and private agencies, including, but not limited to the federal government, the state, other ports and municipal corporations, other states and their political subdivisions, and private nonprofit trade promotion and development organizations.

Cooperation with other state and municipal agencies.

Port districts operating trade center buildings shall pay an annual service fee to the county treasurer wherein the center is located for municipal services rendered to the trade center building. The measure of such service fee shall be equal to three percent of the gross rentals received from the nongovernmental tenants of such trade center building. Such proceeds shall be distributed by the county treasurer as follows: Forty percent to the school district, forty percent to the city, and twenty percent to the county wherein the center is located: *Provided*, That if the center is located in an unincorporated area, twenty percent shall be allocated to the fire district, forty percent to the school district, and forty percent to the county.

Sec. 4. This act, which may be known and cited as the "Trade Center Act", shall be liberally construed, its purpose being to provide port districts with additional powers to provide trade centers and to promote and encourage trade through the ports of the state of Washington. The powers herein granted shall be in addition to all others granted to port districts.

Short title.

Sec. 5. If any provision of this act, or its application to any person or circumstance is held invalid,

Severability.

the remainder of the act or the application of the provision to other persons and circumstances is not affected.

Passed the House February 23, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 20, 1967.

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CHAPTER 57.

[Engrossed House Bill No. 10.]

UNSOLICITED GOODS.

AN ACT relating to unsolicited goods.

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

Consumer protection. Unsolicited mailed goods.

Section 1. Unless otherwise agreed, where unsolicited goods are mailed to a person, he has a right to accept delivery of such goods as a gift only, and is not bound to return such goods to the sender. If such unsolicited goods are either addressed to or intended for the recipient, he may use them or dispose of them in any manner without any obligation to the sender, and in any action for goods sold and delivered, or in any action for the return of the goods, it shall be a complete defense that the goods were mailed voluntarily and that the defendant did not actually order or request such goods, either orally or in writing.

Passed the House January 24, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 20, 1967.

CHAPTER 58.

[House Bill No. 158.]

INSTITUTIONS—CHAPLAINS.

AN ACT relating to the department of institutions; providing for the appointment of chaplains at state custodial, correctional and mental institutions; and amending section 72.01.210, chapter 28, Laws of 1959 as amended by section 1, chapter 33, Laws of 1959 and RCW 72.01.210.

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

Section 1. Section 72.01.210, chapter 28, Laws of 1959 as amended by section 1, chapter 33, Laws of 1959 and RCW 72.01.210 are each amended to read as follows:

RCW 72.01.210 amended.

The director is hereby directed and empowered to appoint chaplains for the state correctional institutions for convicted felons; and chaplains for the correctional institutions for juveniles found delinquent by the juvenile courts, and one chaplain, or more chaplains as may be approved by the director for other custodial, correctional and mental institutions. The chaplains so appointed shall have the qualifications and shall be compensated in an amount, as shall hereafter be recommended by the department and approved by the state personnel board.

Public institutions. Chaplains.

Passed the House January 24, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 20, 1967.

## CHAPTER 59.

[Engrossed House Bill No. 175.]

## VISUALLY HANDICAPPED PERSONS.

AN ACT relating to public assistance; adding new sections to chapter 26, Laws of 1959 and to chapter 74.16 RCW; and repealing section 74.16.180, chapter 26, Laws of 1959 as amended by section 1, chapter 234, Laws of 1961, and RCW 74.16.180; and sections 74.16.200, 74.16.210, 74.16.220, 74.16.230, 74.16.240, 74.16.250, 74.16.260, 74.16.270, 74.16.280, 74.16.290, 74.16.296 and 74.16.297, chapter 26, Laws of 1959 and RCW 74.16.200, 74.16.210, 74.16.220, 74.16.230, 74.16.240, 74.16.250, 74.16.260, 74.16.270, 74.16.280, 74.16.290, 74.16.296 and 74.16.297.

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

New section.

Section 1. There is added to chapter 26, Laws of 1959 and to chapter 74.16 RCW a new section to read as follows:

Public assistance. Services for the blind. Vocational rehabilitation.

The department of public assistance, services for the blind, may maintain or cause to be maintained in cooperation with the division of vocational rehabilitation of the state department of public instruction a program of services to assist visually handicapped persons to overcome vocational handicaps and to obtain the maximum degree of self-support and self-care, under which program the department may:

(1) Furnish diagnostic evaluation to determine the nature and scope of services to be provided.

(2) Provide physical restoration to eliminate or minimize the effects of the handicap.

(3) Provide for special education and/or training in the professions, business or trades under a vocational rehabilitation plan, and if the same cannot be obtained within the state, provisions shall be made for such purposes outside of the state. Living maintenance during the period of such education and/or training within or without the state may be furnished.

(4) Establish, construct, and/or maintain one or more rehabilitation centers, training centers and/or workshops to teach visually handicapped persons to prepare for and maintain trades or occupations when such training is feasible and will contribute to the efficiency and/or support of such visually handicapped persons, to provide employment for them and to devise means for the sale and distribution of their products.

(5) Provide teacher-counselor services and teaching of subjects which will assist visually handicapped persons in the ease and enjoyment of daily living.

(6) Place visually handicapped persons in jobs and/or business enterprises in accordance with the abilities and interests of the applicant therefor.

(7) Teach visually handicapped persons trades or occupations which may be followed in their homes and to assist them in whatever manner may seem advisable in disposing of the products of their home industries.

(8) Aid individual visually handicapped persons or groups of visually handicapped persons to engage in gainful occupations by furnishing materials, equipment, goods or services to them, by providing such financial assistance as may be necessary to encourage and equip them to reach an objective established for them by the agency.

(9) Services provided for under this section may be furnished to clients from other agencies of this or other states for a fee which shall not be less than the actual costs of such services.

Sec. 2. There is added to chapter 26, Laws of 1959 and to chapter 74.16 RCW a new section to read as follows: New section.

An applicant for vocational rehabilitation services must be an applicant: Eligibility.

Who has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential or who has an eye condition of a progressive nature which may lead to blindness.

Repeal. Sec. 3. Section 74.16.180, chapter 26, Laws of 1959 as amended by section 1, chapter 234, Laws of 1961, and RCW 74.16.180; and sections 74.16.200, 74.16.210, 74.16.220, 74.16.230, 74.16.240, 74.16.250, 74.16.260, 74.16.270, 74.16.280, 74.16.290, 74.16.296 and 74.16.297, chapter 26, Laws of 1959 and RCW 74.16.200, 74.16.210, 74.16.220, 74.16.230, 74.16.240, 74.16.250, 74.16.260, 74.16.270, 74.16.280, 74.16.290, 74.16.296 and 74.16.297 are each repealed.

Passed the House February 26, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 20, 1967.

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CHAPTER 60.

[House Bill No. 156.]

DETENTION OF CONVICTED FELONS.

AN ACT relating to the place of detention of convicted felons sentenced to a term of confinement in a state correctional institution under the jurisdiction of the department of institutions; amending section 72.68.040, chapter 28, Laws of 1959 as amended by section 1, chapter 47, Laws of 1959 and RCW 72.68.040; amending section 72.68.050, chapter 28, Laws of 1959 as amended by section 2, chapter 47, Laws of 1959 and RCW 72.68.050; and amending section 72.68.060, chapter 28, Laws of 1959 as amended by section 3, chapter 47, Laws of 1959 and RCW 72.68.060; and amending section 72.68.070, chapter 28, Laws of 1959 as amended by section 4, chapter 47, Laws of 1959 and RCW 72.68.070.

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

RCW 72.68.040 amended.

Section 1. Section 72.68.040, chapter 28, Laws of 1959 as amended by section 1, chapter 47, Laws of

1959 and RCW 72.68.040 are each amended to read as follows:

The director may contract with the authorities of the federal government, or the authorities of any state of the United States or of any county or city in this state providing for the detention in an institution or jail operated by such governmental unit, of prisoners convicted of a felony in the courts of this state and sentenced to a term of imprisonment therefore in a state correctional institution for convicted felons under the jurisdiction of the department of institutions. After the making of a contract under this section, prisoners sentenced to a term of imprisonment in a state correctional institution for convicted felons may be conveyed by the superintendent or his assistants to the institution or jail named in the contract. The prisoners shall be delivered to the authorities of the institution or jail, there to be confined until their sentences have expired or they are otherwise discharged by law, paroled or until they are returned to a state correctional institution for convicted felons for further confinement.

Detention of convicted felons. Contracts with other governmental units.

Sec. 2. Section 72.68.050, chapter 28, Laws of 1959 as amended by section 2, chapter 47, Laws of 1959 and RCW 72.68.050 are each amended to read as follows:

RCW 72.68.050 amended.

Whenever a prisoner who is serving a sentence imposed by a court of this state is transferred from a state correctional institution for convicted felons under RCW 72.68.040 through 72.68.070, the superintendent shall send to the clerk of the court pursuant to whose order or judgment the prisoner was committed to a state correctional institution for convicted felons a notice of transfer, disclosing the name of the prisoner transferred and giving the name and location of the institution to which the prisoner was transferred. The superintendent shall keep a copy of

Notice of transfer of prisoner.

Detention of convicted felons.

all notices of transfer on file as a public record open to inspection; and the clerk of the court shall file with the judgment roll in the appropriate case a copy of each notice of transfer which he receives from the superintendent.

RCW 72.68.060 amended.

Sec. 3. Section 72.68.060, chapter 28, Laws of 1959 as amended by section 3, chapter 47, Laws of 1959 and RCW 72.68.060 are each amended to read as follows:

Procedure when transferred prisoner's presence required in judicial proceedings.

Should the presence of any prisoner confined, under authority of RCW 72.68.040 through 72.68.070, in an institution of another state or the federal government or in a county or city jail, be required in any judicial proceeding of this state, the superintendent of a state correctional institution for convicted felons or his assistants shall, upon being so directed by the director, or upon the written order of any court of competent jurisdiction, or of a judge thereof, procure such prisoner, bring him to the place directed in such order and hold him in custody subject to the further order and direction of the director, or of the court or of a judge thereof, until he is lawfully discharged from such custody. The superintendent or his assistants may, by direction of the director or of the court, or a judge thereof, deliver such prisoner into the custody of the sheriff of the county in which he was convicted, or may, by like order, return such prisoner to a state correctional institution for convicted felons or the institution from which he was taken.

RCW 70.68.070 amended.

Sec. 4. Section 72.68.070, chapter 28, Laws of 1959 as amended by section 4, chapter 47, Laws of 1959 and RCW 72.68.070 are each amended to read as follows:

Procedures when contracts expire.

Upon the expiration of any contract entered into under RCW 72.68.040 through 72.68.070, all prisoners of this state confined in such institution or jail shall be returned by the superintendent or his as-

sistants to a state correctional institution for convicted felons of this state, or delivered to such other institution as the director has contracted with under RCW 72.68.040 through 72.68.070.

Passed the House February 22, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 20, 1967.

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CHAPTER 61.

[Engrossed House Bill No. 753.]

MOTOR VEHICLE OPERATORS—FINANCIAL RESPONSIBILITY.

AN ACT relating to financial responsibility of motor vehicle operators and owners; requiring department to reevaluate security upon correction of erroneous information; and amending section 20, chapter 169, Laws of 1963 as amended by section 4, chapter 124, Laws of 1965 and RCW 46.29.200.

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

Section 1. Section 20, chapter 169, Laws of 1963 as amended by section 4, chapter 124, Laws of 1965 and RCW 46.29.200 are each amended to read as follows:

RCW 46.29.200 amended.

Whenever the department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information, then upon receiving correct information within three years after the date of an accident the department shall take appropriate action to carry out the purposes and effect of this chapter. The foregoing, however, shall not be deemed to require the department to reevaluate the amount of any deposit required under this chapter.

Motor vehicles. Financial responsibility. Correction of action by department.

Passed the House March 2, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 20, 1967.

CHAPTER 62.

[Engrossed House Bill No. 41.]

SNAKE RIVER—GAME AND GAME FISH.

AN ACT relating to game and game fish; adding new sections to chapter 36, Laws of 1955 and to chapter 77.12 RCW.

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

New section.

Section 1. There is added to chapter 36, Laws of 1955 and to chapter 77.12 RCW a new section to read as follows:

Game and game fish. Cooperation with Idaho authorities—Snake river.

In addition and supplemental to any other powers and duties as provided by law, the commission is hereby authorized to cooperate with the Idaho Fish and Game Commission in the promulgation and enforcement of rules and regulations regarding licenses, possession limits and other regulations affecting game animals, game birds and game fish on that portion of the Snake River that forms the boundary between the states of Washington and Idaho.

New section.

Sec. 2. There is added to chapter 36, Laws of 1955 and to chapter 77.12 RCW a new section to read as follows:

Reciprocal enforcement of rules and regulations.

The fishing for or taking of any fish by any device whatsoever, or the placing, maintaining or using of any net, seine, trap or other fishing device of any character, in or on the waters of the Snake River, where the same forms the boundary between the state of Washington and the state of Idaho, at any time or in any manner prohibited by the laws or lawfully established rules or regulations of either the state of Washington or the state of Idaho, or the department of fisheries or the department of game thereof, is hereby prohibited and made unlawful.

New section.

Sec. 3. There is added to chapter 36, Laws of 1955 and to chapter 77.12 RCW a new section to read as follows:

For the purpose of enforcing the provisions of this act, the courts of this state sitting in the various counties contiguous to said waters, and officers of this state empowered to enforce laws pertaining to game fish, game birds and game animals are hereby given and shall have jurisdiction over the entire boundary waters aforesaid to the furthestmost shoreline, and concurrent jurisdiction with the courts and administrative officers of the state of Idaho over the said boundary waters and the whole thereof is hereby expressly recognized and established.

Enforcement—  
Court jurisdiction.

Sec. 4. There is added to chapter 36, Laws of 1955 and to chapter 77.12 RCW a new section to read as follows:

New section.

The right to take game fish, game birds, or game animals from the waters of the Snake River or the islands of the Snake River, where the same forms the boundary line between the state of Idaho and the state of Washington, by the holder of either an Idaho or a Washington license in accordance with the fish and game laws of the respective states is hereby recognized and made lawful and it shall be the duty of law enforcement officers to honor the license of either state and the right of the holder thereof to take game fish, game birds, or game animals from said waters and said islands in accordance with the laws of said state issuing said license.

Reciprocal  
honoring of  
game and fish-  
ing licenses.

Sec. 5. There is added to chapter 36, Laws of 1955 and to chapter 77.12 RCW a new section to read as follows:

New section.

The purpose of this act is to avoid the conflict, confusion and difficulty of an attempt to find the exact location of the state boundary in or on said waters and on said islands of the Snake River, and shall not be construed to permit the holder of a Washington license to fish or hunt on the shoreline, sloughs or tributaries on the Idaho side, nor permit

Purpose.

the holder of an Idaho license to fish or hunt on the shoreline, sloughs or tributaries on the Washington side.

Passed the House January 27, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 20, 1967.

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CHAPTER 63.

[House Bill No. 844.]

COUNTY RECREATION DISTRICTS.

AN ACT relating to county recreation districts; and amending sections 36.69.010, 36.69.020, 36.69.030, 36.69.130, 36.69.140, 36.69.190 and 36.69.900, chapter 4, Laws of 1963 and RCW 36.69.010, 36.69.020, 36.69.030, 36.69.130, 36.69.140, 36.69.190, and 36.69.900.

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

RCW 36.69.010 amended.

Section 1. Section 36.69.010, chapter 4, Laws of 1963 and RCW 36.69.010 are each amended to read as follows:

County park and recreation districts.

Park and recreation districts are hereby authorized to be formed in class AA counties and class A counties and in counties of the second, fourth, eighth or ninth class as municipal corporations for the purpose of providing leisure time activities and facilities, including swimming pools, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

RCW 36.69.020 amended.

Sec. 2. Section 36.69.020, chapter 4, Laws of 1963 and RCW 36.69.020 are each amended to read as follows:

Formation of district.

The formation of a park and recreation district in class AA counties and class A counties or in counties of the second, fourth, eighth or ninth class shall be initiated by a petition designating the

boundaries thereof by metes and bounds, or by describing the land to be included therein by townships, ranges and legal subdivisions. Such petition shall set forth the object of the district and state that it will be conducive to the public welfare and convenience, and that it will be a benefit to the area therein. Such petition shall be signed by not less than fifteen percent of the registered voters within the area so described. No person signing the petition may withdraw his name therefrom after filing.

The petition shall be filed with the auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners, agreeing to pay the cost of the publication of the notice provided for in RCW 36.69.040. The county auditor shall, within thirty days from the date of filing the petition, examine the signatures and certify to the sufficiency or insufficiency thereof; and for that purpose shall have access to all registration books or records in the possession of the registration officers of the election precincts included, in whole or in part, within the proposed district. Such books and records shall be prima facie evidence of the truth of the certificate.

If the petition is found to contain a sufficient number of signatures of qualified persons, the auditor shall transmit it, together with his certificate of sufficiency attached thereto, to the county commissioners who shall by resolution entered upon their minutes, receive it and fix a day and hour when they will publicly hear the petition, as provided in RCW 36.69.040.

Sec. 3. Section 36.69.030, chapter 4, Laws of 1963 and RCW 36.69.030 are each amended to read as follows:

A park and recreation district in class AA counties and class A counties and in counties of the second, fourth, eighth or ninth class may include

RCW 36.69.030  
amended.

Area which  
may be in-  
cluded.

County park  
and recreation  
districts.

any unincorporated area in the state and, when any part of the proposed district lies within the corporate limits of any city or town, said petition shall be accompanied by a certified copy of a resolution of the governing body of said city or town, approving inclusion of the area within the corporate limits of the city or town.

RCW 36.69.130  
amended.

Sec. 4. Section 36.69.130, chapter 4, Laws of 1963 and RCW 36.69.130 are each amended to read as follows:

Powers of dis-  
tricts.

Park and recreation districts in class AA counties and class A counties and in counties of the second, fourth, eighth or ninth class shall have such powers as are necessary to carry out the purpose for which they are created, including, but not being limited to, the power: (1) To acquire and hold real and personal property; (2) to dispose of real and personal property only by unanimous vote of the district commissioners; (3) to make contracts; (4) to sue and be sued; (5) to borrow money to the extent and in the manner authorized by this chapter; (6) to grant concessions; (7) to make charges for the use of facilities or for participation; (8) to make and enforce rules and regulations governing the use of property, facilities or equipment and the conduct of persons thereon; (9) to contract with any municipal corporation, governmental, or private agencies for the conduct of park and recreation programs; (10) to operate jointly with other governmental units any facilities or property including participation in the acquisition; (11) to hold in trust or manage public property useful to the accomplishment of their objectives; (12) to establish cumulative reserve funds in the manner and for the purposes prescribed by law for cities; and, (13) to make improvements or to acquire property by the local improvement method in the manner prescribed by this chapter: *Provided*, That such improvement or

acquisition is within the scope of the purposes granted to such park and recreation district.

Sec. 5. Section 36.69.140, chapter 4, Laws of 1963 and RCW 36.69.140 are each amended to read as follows:

RCW 36.69.140 amended.

A park and recreation district in class AA counties or in class A counties or in counties of the second, fourth, eighth or ninth class 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 district, in the manner prescribed for cities for the purpose of exceeding the limitations established by Article VII, section 2, as amended by Amendment 17, of the Constitution and by RCW 84.52.052. Such special, voted 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 one and one-half percent of the assessed valuation of the taxable property within such district, and may provide for the retirement thereof by levies in excess of millage limitations in accordance with the provisions of RCW 84.52.056.

Special levies authorized—  
Bonds.

Sec. 6. Section 36.69.190, chapter 4, Laws of 1963 and RCW 36.69.190 are each amended to read as follows:

RCW 36.69.190 amended.

After a park and recreation district in class AA counties or class A counties or in counties of the second, fourth, eighth or ninth class has been organized, an additional area may be added by the same procedure within the proposed additional area as is provided herein for the organization of a park and recreation district, except that no first commissioners shall be nominated by the board of county commissioners or elected, and all electors within both the organized park and recreation district and the

Additional areas may be added to district.

proposed additional territory shall vote upon the proposition for enlargement.

RCW 36.69.900  
amended.

Sec. 7. Section 36.69.900, chapter 4, Laws of 1963 and RCW 36.69.900 are each amended to read as follows:

Short title.

This chapter may be cited as the "Recreation Districts Act for class AA counties, for class A counties, and for counties of the second, fourth, eighth or ninth class."

Passed the House March 2, 1967.

Passed the Senate March 9, 1967.

Approved by the Governor March 20, 1967.

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## CHAPTER 64.

[House Bill No. 671.]

### REQUIRED COURSES—HISTORY AND GOVERNMENT.

AN ACT relating to education; and amending section 1, chapter 203, Laws of 1941, as last amended by section 1, chapter 31, Laws of 1963, and RCW 28.05.050.

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

RCW 28.05.050  
amended.

Section 1. Section 1, chapter 203, Laws of 1941, as last amended by section 1, chapter 31, Laws of 1963, and RCW 28.05.050 are each amended to read as follows:

Education. Re-  
quired courses.

To promote good citizenship and a greater interest in and better understanding of our national and state institutions and system of government, the state board of education shall prescribe a one-year course of study in the history and government of the United States, and the equivalent of a one-semester course of study in state of Washington history and government. No person shall be graduated from any eighth grade or high school without completing such courses of study: *Provided*, That stu-

dents in the twelfth grade who have not completed such course of study because of previous residence outside the state shall be graduated upon having received special instruction in Washington history and government as may be determined by the local school authorities as equivalent to the one-semester course required by this section.

There shall also be a one quarter or semester course in either Washington state history and government, or Pacific Northwest history and government in the curriculum of all teachers' colleges and teachers' courses in all institutions of education. No person shall be graduated from any of said schools without completing such course of study, unless otherwise determined by the state board of education.

Passed the House March 2, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 20, 1967.

CHAPTER 65.

[Engrossed House Bill No. 38.]

SUPERIOR COURT JUDGES—SALARIES.

AN ACT relating to salaries of judges of the superior court; and amending section 2, chapter 144, Laws of 1953 as last amended by section 2, chapter 127, Laws of 1965 extraordinary session, and RCW 2.08.090.

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

RCW 2.08.090  
amended.

Section 1. Section 2, chapter 144, Laws of 1953 as last amended by section 2, chapter 127, Laws of 1965 extraordinary session, and RCW 2.08.090 are each amended to read as follows:

Superior court  
judges—Sal-  
aries.

Each judge of the superior court shall receive an annual salary of twenty-two thousand five hundred dollars.

Passed the House February 1, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 20, 1967.

## CHAPTER 66.

[House Bill No. 28.]

## STATE INVESTMENT RESERVE FUND.

AN ACT relating to the investment of state funds; and amending section 43.84.090, chapter 8, Laws of 1965 as amended by section 1, chapter 82, Laws of 1965 extraordinary session, and RCW 43.84.090.

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

Section 1. Section 43.84.090, chapter 8, Laws of 1965 as amended by section 1, chapter 82, Laws of 1965 extraordinary session, and RCW 43.84.090 are each amended to read as follows:

RCW 43.84.090 amended.

Twenty percent of all income received from such investments shall be set aside in a reserve fund. This fund shall be maintained until it reaches five percent of the principal invested: *Provided*, That pursuant to legislative appropriation an amount not exceeding ten percent of this investment reserve fund may be used to pay the operating expenses of the state finance committee: *And provided further*, That pursuant to legislative appropriation an amount not exceeding ten percent of this investment reserve fund may be used to pay operating expenses of the state treasurer for the servicing of investments and outstanding bonded indebtedness of the state.

Investment of state funds. Reserve to be set aside.

Investments purchased for more or less than par shall be amortized to obtain the true amount of income, and the amortized value of the principal, at any time, shall be the cost of the security plus or minus such portion of the income as has been assigned to principal.

Any loss sustained by selling investments for less than the amortized value of the principal may be charged to the reserve fund. Any profits obtained from selling investments for more than the amor-

tized value of the principal shall be considered as income. All income other than that set aside in the reserve fund shall be credited to the deposit interest fund in the state treasury.

Passed the House March 2, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 20, 1967.

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CHAPTER 67.

[Engrossed House Bill No. 71.]

STATE LIBRARY—INTERGOVERNMENTAL CONTRACTS.  
AN ACT relating to state libraries; and adding a new section to chapter 207, Laws of 1943, and to chapter 27.04 RCW.

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

New section.

Section 1. There is added to chapter 207, Laws of 1943 and to chapter 27.04 RCW a new section to read as follows:

State library.  
Intergovernmental contracts.

The state library is authorized, subject to any limitations and conditions imposed by the state library commission, to contract with any agency of the state of Washington for the purpose of providing library materials, supplies, equipment and employing assistants as needed for the development, growth and operation of any library facilities or services of such agency.

Passed the House February 11, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 20, 1967.

## CHAPTER 68.

[Engrossed House Bill No. 61.]

## STATE AERONAUTICS COMMISSION.

AN ACT relating to the state aeronautics commission; amending section 3, chapter 165, Laws of 1947 and RCW 14.04.030; and amending section 4, chapter 165, Laws of 1947 as amended by section 1, chapter 289, Laws of 1961, and RCW 14.04.040.

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

Section 1. Section 3, chapter 165, Laws of 1947 and RCW 14.04.030 are each amended to read as follows:

RCW 14.04.030  
amended.

There is hereby created the "Washington state aeronautics commission," to consist of one member from each congressional district, who shall be appointed by the governor, by and with the advice and consent of the senate, and who shall continue in office, as designated by the governor at the time of appointment, through the last day of the second, third, fourth, fifth, sixth and seventh calendar years, respectively, following the passage of this chapter: *Provided*, That from and after July 1, 1967, in order that there may be one commissioner from each congressional district, an additional commissioner shall be appointed by the governor for a term commencing August 1, 1967, and expiring December 31, 1972, and the governor shall appoint one additional commissioner within thirty days following the creation of each additional congressional district for a term ending on the December 31st of the fifth year following such appointment. The successors of the members initially appointed shall be appointed for terms of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. No

State aero-  
nautics com-  
mission—  
Creation.

State aero-  
nautics com-  
mission—  
Creation.

more than a simple majority of the members shall be appointed from the same political party. All members of the commission shall be citizens and bona fide residents of the state. No more than three members shall have any direct or indirect financial or pecuniary interest in civil aviation. No member shall receive any salary for his services, but shall be reimbursed for actual and necessary expenses incurred by him in the performance of his duties and shall be paid the sum of twenty-five dollars per diem for each day actually spent in attending to his duties as a member of the commission, but no member shall receive more than five hundred dollars in any one year as per diem. The members of the commission may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, in the manner provided by law for the removal of other public officials for like cause.

RCW 14.04.040  
amended.

Sec. 2. Section 4, chapter 165, Laws of 1947, as amended by section 1, chapter 289, Laws of 1961, and RCW 14.04.040 are each amended to read as follows:

Director of  
aeronautics—  
Qualification—  
Salary—Duties.

A director of aeronautics shall be appointed by the commission and shall serve at the pleasure of the commission. He shall be appointed with due regard to his fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of the powers and duties duly invested in and imposed upon him. He shall devote his entire time to the duties of his office and perform such services as the commission shall authorize and direct, and not be actively engaged or employed in any other business, vocation, or employment, nor shall he have any pecuniary interest in or any stock in or bonds of any civil aeronautics enterprise. He shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040, and shall be reimbursed for all traveling

and other expenses incurred by him in the discharge of his official duties.

He shall be the executive officer of the commission and under its supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state relative to aeronautics. He shall attend, but not vote at, all meetings of the commission. He shall be in charge of the offices of the commission and responsible to the commission for the preparation of reports and the collection and dissemination of data and other public information relating to aeronautics. At the direction of the commission, he shall, together with the chairman of the commission, execute all contracts entered into by the commission.

The director shall appoint, in accordance with chapter 41.06 RCW subject to the approval of the commission such experts, field and office assistants, clerks, and other employees as may be required and authorized for the proper discharge of the functions of the commission and for whose services funds have been appropriated.

The commission may, by written order filed in its office, delegate to the director any of the powers or duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the commission.

Sec. 3. This 1967 amendatory act shall not affect Effective date. the appointments or terms of the present members of the aeronautics commission.

Passed the House March 1, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 20, 1967.

CHAPTER 69.

[Engrossed House Bill No. 420.]

MOTOR FREIGHT CARRIERS.

AN ACT relating to motor freight carriers; amending section 81.80.010, chapter 14, Laws of 1961 and RCW 81.80.010; amending section 81.80.060, chapter 14, Laws of 1961 as amended by section 40, chapter 170, Laws of 1965 extraordinary session and RCW 81.80.060; and amending section 81.80.260, chapter 14, Laws of 1961 and RCW 81.80.260.

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

RCW 81.80.010 amended.

Section 1. Section 81.80.010, chapter 14, Laws of 1961 and RCW 81.80.010 are each amended to read as follows:

Transportation. Motor freight carriers. Definitions.

When used in this chapter:

(1) "Person" means and includes an individual, firm, copartnership, corporation, company, association or their lessees, trustees or receivers.

(2) "Motor vehicle" means any truck, trailer, semitrailer, tractor, dump truck which uses a hydraulic or mechanical device to dump or discharge its load or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting property, but not including baggage, mail and express transported on the vehicles of auto transportation companies carrying passengers.

(3) "Public highway" means every street, road or highway in this state.

(4) "Common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

(5) "Contract carrier" shall include all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined in paragraph (4) and paragraph (6), and further shall include any person who under special and individual contracts or agreements transports property by motor vehicle for compensation.

(6) A "private carrier" is a person who transports by his own motor vehicle, with or without compensation therefor, property which is owned or is being bought or sold by such person, or property of which such person is the seller, purchaser, lessee or bailee where such transportation is incidental to and in furtherance of some other primary business conducted by such person in good faith.

(7) "Motor carrier" means and includes "common carrier," "contract carrier," "private carrier" and "exempt carrier" as herein defined.

(8) "Exempt carrier" means any person operating a vehicle exempted from certain provisions of this chapter under RCW 81.80.040.

(9) "Vehicle" means every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rail or tracks.

"Common carrier" and "contract carrier" shall include persons engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the state of Washington as brokers or forwarders.

Sec. 2. Section 81.80.060, chapter 14, Laws of 1961 as amended by section 40, chapter 170, Laws of 1965 extraordinary session and RCW 81.80.060 are each amended to read as follows:

RCW 81.80.060  
amended.

Motor freight  
carriers—Com-  
bination of  
services.

Every person who engages for compensation to perform a combination of services a substantial portion of which includes transportation of property of others upon the public highways shall be subject to the jurisdiction of the commission as to such transportation and shall not engage upon the same without first having obtained a common carrier or contract carrier permit to do so. Every person engaging in such a combination of services shall advise the commission what portion of the consideration is intended to cover the transportation service and if the agreement covering the combination of services is in writing, the rate and charge for such transportation shall be set forth therein. The rates or charges for the transportation services included in such combination of services shall be subject to control and regulation by the commission in the same manner that the rates of common and contract carriers are now controlled and regulated. Any person engaged in extracting, processing and hauling materials exclusively for the maintenance, construction or improvement of a public highway shall not be deemed to be performing a combination of services.

**NOTE:** See also section 77, chapter 145, Laws of 1967 ex. sess.

RCW 81.80.260  
amended.

Sec. 3. Section 81.80.260, chapter 14, Laws of 1961 and RCW 81.80.260 are each amended to read as follows:

Multi-class  
operation.

It shall be unlawful for any person to operate any vehicle at the same time in more than one class of operation, except upon approval of the commission and a finding that such operation will be in the public interest.

No "exempt carrier" as such shall transport property for compensation except as hereinabove provided.

Severability.

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 March 8, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 70.

[Reengrossed House Bill No. 55.]

PUBLIC WORKS CONTRACTS.

AN ACT relating to public works contracts; amending section 2, chapter 183, Laws of 1923 and RCW 39.04.020; and amending section 1, chapter 207, Laws of 1909 as amended by section 1, chapter 28, Laws of 1915 and RCW 39.08.010; and adding a new section.

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

Section 1. Section 2, chapter 183, Laws of 1923 and RCW 39.04.020 are each amended to read as follows:

RCW 39.04.020 amended.

Whenever the state, or any municipality shall determine that any public work is necessary to be done it shall cause plans and/or specifications thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board or agency having by law the authority to require such work to be done.

Public works. Plans and specifications —Estimates— Publication— Emergencies.

If the state, or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of twenty-five hundred dollars, then the state or such municipality shall at least fifteen days before beginning work cause such estimate.

Public works.  
Plans and  
specifications  
—Estimates—  
Publication—  
Emergencies.

together with a description of the work, to be published at least once in a newspaper of general circulation in the county in which such work is to be done.

*Provided*, That when such work is to be done by the state, publication in a newspaper of general circulation throughout the state shall be equivalent to publication in the county where the work is to be done.

*And provided further*, That when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

RCW 39.08.010  
amended.

Sec. 2. Section 1, chapter 207, Laws of 1909, as amended by section 1, chapter 28, Laws of 1915 and RCW 39.08.010 are each amended to read as follows:

Contractor's  
bond—Re-  
quired—Con-  
ditions.

Whenever any board, council, commission, trustees or body acting for the state or any county or municipality or any public body shall contract with any person or corporation to do any work for the state, county or municipality, or other public body, city, town or district, such board, council, commission, trustees or body shall require the person or persons with whom such contract is made to make, execute and deliver to such board, council, commission, trustees or body a good and sufficient bond, with two or more sureties, or with a surety company as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics and subcontractors and materialmen, and all persons who shall supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work, which bond shall be filed

with the county auditor of the county where such work is performed or improvement made, except in cases of cities and towns, in which cases such bond shall be filed with the clerk or comptroller thereof, and any person or persons performing such services or furnishing material to any subcontractor shall have the same right under the provisions of such bond as if such work, services or material was furnished to the original contractor: *Provided, however,* That the provisions of RCW 39.08.010 through 39.08.030 shall not apply to any money loaned or advanced to any such contractor, subcontractor or other person in the performance of any such work: *Provided further,* That on contracts of two thousand dollars or less, the respective public entity may, in lieu of the bond, retain one hundred percent of the contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases from the tax commission and the department of labor and industries.

Sec. 3. No agency of the state or any of its political subdivisions shall execute a contract with any contractor who is not registered or licensed as may be required by the laws of this state: *Provided,* That this requirement shall not apply to contractors on highway projects who have been prequalified as required by RCW 47.28.070, with the highway department to perform highway construction, reconstruction or maintenance.

Contractors  
must be li-  
censed—  
contractor—  
Exemptions.

Passed the House February 1, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 71.

[Engrossed House Bill No. 353.]

DRUGS.

AN ACT relating to drugs and expanding the definition of dangerous drugs; amending section 1, chapter 6, Laws of 1939, as last amended by section 1, chapter 49, Laws of 1961, and RCW 69.40.060; amending section 1, chapter 23, Laws of 1955 as amended by section 2, chapter 49, Laws of 1961, and RCW 69.40.061; amending section 22, chapter 38, Laws of 1963, and RCW 69.40.064; and declaring an emergency.

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

RCW 69.40.060 amended.

Section 1. Section 1, chapter 6, Laws of 1939, as last amended by section 1, chapter 49, Laws of 1961, and RCW 69.40.060 are each amended to read as follows:

Food and drugs. Poisons and dangerous drugs. Certain drugs to be sold only on prescription or order—Ex-ceptions.

It shall be unlawful for a person, firm, or corporation to sell, give away, barter, exchange or distribute amytal, luminal, veronal, barbital, acid diethylbarbituric, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing more than one grain to the avoirdupois or fluid ounce of the above substances; or to sell, give away, barter, exchange, or distribute any amphetamine or any dextroamphetamine, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing such substances; or to sell, give away, barter, exchange or distribute dimethyltryptamine, lysergic acid, mescaline, peyote, psilocin, or any

salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing such substances; or to sell, give away, barter, exchange or distribute any drug found by federal law or regulation or Washington state pharmacy board regulation to have a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect; or any other drug which is required by any applicable federal or state law or federal regulation or Washington state pharmacy board regulation to be used only on prescription, except upon the written or oral order or prescription of a physician, surgeon, dentist, or veterinary surgeon licensed to practice in the state, and shall not be refilled without the written or oral order of the prescriber: *Provided*, That the above provisions shall not apply to the sale at wholesale by drug jobbers, drug wholesalers, and drug manufacturers to pharmacies or to physicians, dentists, or veterinary surgeons, nor to each other, nor to the sale at retail in pharmacies by pharmacists to each other or to physicians, surgeons, dentists or veterinary surgeons licensed to practice in this state.

Sec. 2. Section 1, chapter 23, Laws of 1955, as amended by section 2, chapter 49, Laws of 1961, and RCW 69.40.061 are each amended to read as follows:

RCW 69.40.061  
amended.

It shall be unlawful for any person to possess any of the drugs described in RCW 69.40.060, as amended from time to time, or any other drug which is required by any applicable federal or state law or federal regulation or Washington state pharmacy board regulation to be used only on prescription, except upon the order or prescription of a physician, surgeon, dentist or veterinary surgeon duly

Possession of  
certain drugs  
unlawful.

Food and  
drugs.

licensed to practice in the state of Washington: *Provided, however,* That the above provisions shall not apply to the possession by drug jobbers, drug wholesalers and drug manufacturers, to registered pharmacists or to physicians, dentists or veterinary surgeons.

RCW 69.40.064  
amended.

Sec. 3. Section 22, chapter 38, Laws of 1963, and RCW 69.40.064 are each amended to read as follows:

Dangerous  
drugs—Pre-  
scriptions.

A prescription, in order to be effective in legalizing the possession of dangerous drugs, must be issued for a legitimate medical purpose by one authorized to prescribe the use of such dangerous drugs. An order purporting to be a prescription issued to an addict or habitual user of dangerous drugs, not in the course of professional treatment is not a prescription within the meaning and intent of this section; and the person who knows or should know that he is filling such an order, as well as the person issuing it, may be charged with violation of this chapter. A legitimate medical purpose shall include use in the course of a bona fide research program in conjunction with a hospital or university.

Severability.

Sec. 4. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected.

Emergency.

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

Passed the House March 1, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 72.

[Substitute House Bill No. 139.]

## COUNTIES—SEWERAGE, WATER, DRAINAGE SYSTEMS.

AN ACT relating to counties; authorizing counties to construct, condemn and purchase, acquire, add to, maintain, conduct and operate systems of sewerage, water and drainage; providing for financing and modes of payment therefor and the making and collection of charges; and declaring an emergency.

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

Section 1. As used in this act:

(1) A "system of sewerage" means and includes:

- (a) Sanitary sewage disposal sewers;
- (b) Combined sanitary sewage disposal and storm or surface water sewers;
- (c) Storm or surface water sewers;
- (d) Outfalls for storm or sanitary sewage and works, plants, and facilities for sanitary sewage treatment and disposal;
- (e) Combined water and sewerage systems;
- (f) Any combination of or part of any or all of such facilities.

(2) A "system of water" means and includes:

- (a) A water distribution system, including dams, reservoirs, aqueducts, plants, pumping stations, transmission and lateral distribution lines and other facilities for distribution of water;
- (b) A combined water and sewerage system;
- (c) Any combination of or any part of any or all of such facilities.

(3) A "sewerage and/or water general plan" means a general plan for a system of sewerage and/or water for the county which shall be an element of the comprehensive plan established by the county pursuant to chapter 36.70.350(5) and/or chapter 35.63 RCW. A sewerage and/or water

Counties—  
Sewerage,  
water and  
drainage sys-  
tems. Defin-  
itions.

Counties—  
Sewerage,  
water and  
drainage sys-  
tems. Defini-  
tions.

general plan shall include the general location of lines, laterals, trunks, interceptors, pumping stations, tanks, plants, works, outfalls and other facilities, including preliminary engineering to assure feasibility and shall further provide for the method of distributing the cost and expense of the system. The sewerage and/or water general plan shall not mean the final engineering construction plan for the system.

(4) "Municipal corporation" means and includes any city, town, metropolitan municipal corporation, any public utility district which operates and maintains a water system, any sewer, water, diking or drainage district, any diking, drainage and sewerage improvement district, any water distribution district, and any irrigation district.

(5) A "private utility" means and includes all utilities, both public and private, which provide sewerage and/or water service and which are not municipal corporations within the definition of this act. The ownership of a private utility may be in a corporation, nonprofit or for profit, in a cooperative association, in a mutual organization, or in individuals.

(6) "Board" means one or more boards of county commissioners.

Authority of  
counties to  
establish.

Sec. 2. The construction, operation and maintenance of a system of sewerage and/or water is a county purpose. Subject to the provisions of this act, every county has the power, individually or in conjunction with another county or counties to adopt, provide for, accept, establish, condemn, purchase, construct, add to and maintain a system or systems of sanitary and storm sewers, including outfalls, interceptors, plans and facilities necessary for sewerage treatment and disposal, and/or system or systems of water supply within all or a portion of the county: *Provided*, That counties shall not have

power to condemn sewerage and/or water systems of any municipal corporation or private utility.

Such county or counties shall have the authority to control, regulate and manage such system or systems and to provide funds therefor by general obligation bonds, revenue bonds, utility local improvement district assessments and in any lawful fiscal manner.

Sec. 3. Whenever the board of county commissioners of a county deems it advisable and necessary for the public health and welfare of the inhabitants of the county to establish, purchase, acquire and construct a system of sewerage and/or water, or make any additions and betterments thereto, or extensions thereof, the board shall adopt as an element of the comprehensive plan for the physical development of the county pursuant to the provisions of RCW 36.70.350(5) and/or chapter 35.63 RCW, a sewerage and/or water general plan for a system of sewerage and/or water for all or a portion of the county as deemed necessary by the board.

Commissioners  
—Adoption of  
sewerage and  
water plan as  
element of  
comprehensive  
plan.

Sec. 4. The sewerage and/or water general plan must incorporate the provisions of existing comprehensive plans relating to sewerage and water systems of cities, towns, municipalities, and private utilities, to the extent they have been implemented.

Existing systems—Approval of adoption.

In any county in which a metropolitan municipal corporation is authorized to perform the sewerage disposal or water supply function, any sewerage and/or water general plan shall be approved by the metropolitan municipal corporation prior to adoption by the county.

Sec. 5. Prior to the adoption of or amendment of the sewerage and/or water general plan, the board or boards of county commissioners shall submit the plan to a review committee. The review committee shall consist of:

Submission of plan—Review committees.

Counties—  
Sewerage,  
water and  
drainage sys-  
tems. Review  
committees.

(1) A representative of each first and second class city within or adjoining the area selected by the mayor thereof (if there are no first or second class cities within the plan area, then one representative chosen by the mayor of the city with the largest population within the plan area);

(2) One representative chosen at large by a majority vote of the executive officers of the other cities or towns within or adjoining the area;

(3) A representative chosen by the executive officer or the chairman of the board, as the case may be, of each of the other municipal corporations and private utilities serving one thousand or more sewer and/or water customers located within the area;

(4) One representative chosen at large by a majority vote of the executive officers and chairmen of the boards, as the case may be, of the other remaining municipal corporations within the area;

(5) The chairman or chairmen of the board or boards of county commissioners within the planned area; and

(6) In counties where there is a metropolitan municipal corporation operating a sewerage and/or water system in the area, the chairman of its council or such person as he designates.

Officers—Com-  
pensation.

Sec. 6. The members of each review committee shall elect from its members a chairman and a secretary. The committee shall determine its own rules and order of business and shall provide by resolution for the time and manner of its proceedings which shall be a public record. A majority of all the members shall constitute a quorum for the transaction of business.

Each member of the committee shall be compensated from the county current expense fund at the rate of twenty-five dollars per day, or a major portion thereof, for time actually devoted to the work of the committee. Each board of county commission-

ers shall provide such funds as shall be necessary to pay the compensation of the members and such other expenses as shall be reasonably necessary. Such payments shall be reimbursed to the counties advancing the funds from moneys acquired from the construction or operation of a sewerage and/or water system.

Sec. 7. The committee shall review the sewerage and/or water general plan and shall report to the board or boards of county commissioners within ninety days their approval or any suggested amendments, deletions, or additions. If the committee shall fail to report within the time, the plan shall be deemed approved. If the committee submits a report, the board shall consider and review the committee's report and may adopt any recommendations suggested therein.

**Review committee—Review of plan—Report.**

Sec. 8. Before final action thereon, the board shall conduct a public hearing on the plan after ten days published notice of hearing is given pursuant to RCW 36.32.120(7). The notice must set out the full official title of the proposed resolution adopting the plan and a statement describing the general intent and purpose of the plan. The notice shall also include the day, hour and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed. Ten days prior to the hearing, three copies of the sewerage and/or water general plan shall be filed with the clerk of the board. The copies shall be open to public inspection.

**Sewerage and water plan—Hearing—Notice.**

Sec. 9. At the hearing, the board may adopt the plan, or amend and adopt the plan, or reject any part or all of the plan.

**Board action.**

Sec. 10. Prior to the commencement of actual work on any plan approved by the board, it must be

County sewerage, water and drainage systems. Plan—Submission of plan to state agencies.

submitted to the appropriate departments of the state of Washington for their written approval. For a sewerage system plan, the plan must be approved by the department of health and the state pollution control commission. For a water system, the plan must be approved by the department of health, the state pollution control commission, and the department of conservation.

Adoption—Adherence to the plan—Amendment.

Sec. 11. After adoption of the sewerage and/or water general plan, all municipal corporations and private utilities within the plan area shall abide by and adhere to the plan for the future development of their systems. Whenever the governing authority of any county or counties or any municipal corporation deems it to be for the public interest to amend the sewerage and/or water general plan for such county or counties, notice shall be filed with the board or boards of county commissioners. Upon such notice, the board or boards shall initiate consideration of any amendment requested relating to the plan and proceed as provided in this act for the adoption of an original plan.

Establishment of department in county to administer system.

Sec. 12. The board shall establish a department in county government for the purpose of establishing, operating and maintaining the system or systems of sewerage and/or water. In the department, the board shall establish and provide for the operation and maintenance of a personnel merit system for the employment, classification, promotion, demotion, suspension, transfer, layoff and discharge of its appointive officers and employees, solely on the basis of merit and fitness, without regard to political influence or affiliation.

Rules and regulations.

Sec. 13. The board of county commissioners may adopt by resolution reasonable rules and regulations governing the construction, maintenance, operation,

use, connection and service of the system of sewerage and/or water.

Sec. 14. Every county, in the operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate and control it and to fix, alter, regulate and control the rates and charges for the service to those to whom such county service is available. The rates charged must be uniform for the same class of customers or service.

**Rates—Classification of customers—Disposition of revenue.**

In classifying customers served or service furnished by such system of sewerage and/or water, the board may consider any or all of the following factors:

(1) The difference in cost of service to the various customers within or without the area;

(2) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems;

(3) The different character of the service furnished various customers;

(4) The quantity and quality of the sewage and/or water delivered and the time of its delivery;

(5) Capital contributions made to the system or systems, including, but not limited to, assessments; and

(6) Any other matters which present a reasonable difference as a ground for distinction.

Such rates 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 the efficient and proper operation of the system.

Sec. 15. All counties operating a system of sewerage and/or water shall have a lien for delinquent connection charges and charges for sewerage and/or

**Charges—Delinquencies—Liens.**

County sewerage, water and drainage systems.

water service, together with interest at eight percent per annum from the date due until paid. Penalties of not more than ten percent of the amount due may be imposed in case of failure to pay the charges at times fixed by resolution. The lien shall be for all charges, interest, and penalties and shall attach to the premises to which the services were furnished. The lien shall be superior to all other liens and encumbrances, except general taxes and local and special assessments of the county.

The county department established in section 12 shall certify periodically the delinquencies to the treasurer of the county at which time the lien shall attach. Liens created by this section shall not have priority over liens or encumbrances perfected before the day of the certification to the treasurer of the particular delinquency for which the lien attaches pursuant to this section.

Upon the expiration of sixty days after the attachment of the lien, the county may bring suit in foreclosure by civil action in the superior court of the county where the property is located. In addition to the costs and disbursements provided by statute, the court may allow the county a reasonable attorney's fee. The lien shall be foreclosed in the same manner as the foreclosure of real property tax liens.

County tax on system.

Sec. 16. The county shall have the power to levy a tax on the system of sewerage and/or water operated by the county or counties as authorized by this act, not to exceed eight percent per annum, on the gross revenues, to be paid to the county's general fund for payment of all costs of planning, financing, construction and operation of the system.

Primary authority of municipal corporations.

Sec. 17. The primary authority to construct, operate and maintain a system of sewerage and/or water within the boundaries of a municipal corpora-

tion which lies within the area of the county's sewerage and/or water general plan shall remain with such municipal corporation. As may be permitted by other statutes, a city or town may provide water or sewer service outside of its corporate limits.

Sec. 18. 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, 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 RCW 35.13.246 inclusive, and pursuant to the authority contained in RCW 35.13.250 as now existing or hereafter amended.

Annexation—  
Transfer to  
city—  
Assumption  
of obligation  
by city.

Sec. 19. Every county in furtherance of the powers granted by this act shall be authorized to contract with the federal government, the state of Washington, or any city or town, within or without the county, and with any other county, and with any municipal corporation as defined herein or with any other municipal corporation created under the laws of the state of Washington and not limited as defined in section 1 of the act, or political subdivision, and with any person, firm or corporation in and for the establishment, maintenance and operation of all or a portion of a system or systems of sewerage and/or water supply.

Authority of  
county to con-  
tract with  
other govern-  
mental agen-  
cies.

The state and such city, town, person, firm, corporation, municipal corporation and any other municipal corporation created under the laws of the state of Washington and not limited as defined in section 1 of the act, and political subdivision, is authorized to contract with a county or counties for such purposes.

County sewerage, water and drainage systems. Fiscal—Indebtedness—General obligation bonds—Authority of county.

Sec. 20. The board of county commissioners of any county is hereby authorized for the purpose of carrying out the lawful powers granted by this act 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.

Bond retirement fund—Pledge of revenue.

Sec. 21. The board of county commissioners of any county in adopting and establishing a system of sewerage and/or water may set aside into a special fund and pledge to the payment of the principal and interest due on any county revenue bonds any sums or amounts which may accrue from the collection of rates and charges for the private and public use of the system or systems.

Utility local improvement districts—Establishment—Special assessments.

Sec. 22. A county shall have the power to establish utility local improvement districts within the area of a sewerage and/or water general plan and to levy special assessments under a mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement on the basis of the special benefits to pay in whole or in part the damages or costs of any improvements ordered in such county. The levying, collection and enforcement of all public assessments hereby authorized shall be in the manner now and hereafter provided by law or the levying, collection and enforcement of local improvement assessments by cities of the first class, insofar as the same shall not be inconsistent with the provisions of this act. The duties devolving upon the city treasurer under such laws are imposed upon the county treasurer for the purposes of this act. The mode of assessment shall be in the manner to be

determined by the board of county commissioners by resolution. It must be specified in any petition for the establishment of a utility local improvement district and in the sewerage and/or water general plan or amendment thereto that the assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue bonds. Assessments in any utility local improvement district may be made on the basis of special benefits up to but not in excess of the total cost of any sewerage and/or water general plan payable by issuance of revenue bonds. No warrants or bonds shall be issued in any such utility local improvement district, but the collection of interest and principal on all assessments in such utility improvement district, when collected, shall be paid into the revenue bond fund.

Sec. 23. Utility local improvement districts to carry out all or any portion of the general plan, or additions and betterments thereof, may be initiated either by resolution of the board of county commissioners or by petition signed by the owners according to the records of the office of the county auditor of at least fifty-one percent of the area of land within the limits of the utility local improvement district to be created.

County sewerage, water and drainage systems—Improvement districts—Initiation of district.

In case the board shall desire to initiate the formation of a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed utility local improvement district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

County sewer-  
age, water and  
drainage sys-  
tems—Im-  
provement  
districts—  
Initiation of  
district.

In case any such utility local improvement district shall be initiated by petition, such petition shall set forth the nature and territorial extent of such proposed improvement and the fact that the signers thereof are the owners according to the records of the county auditor of at least fifty-one percent of the area of land within the limits of the utility local improvement district to be created. Upon the filing of such petition with the clerk of the board of county commissioners, the board shall determine whether the same shall be sufficient, and the board's determination thereof shall be conclusive upon all persons. No person shall withdraw his name from said petition after the filing thereof with the clerk of the board of county commissioners. If the board shall find the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of said improvement, designating the number of the proposed local district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

The resolution of intention, whether adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of county commissioners. Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract, parcel of land or other property within the

proposed improvement district by mailing said notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon. The notice shall refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, the date, time and place of the hearing before the board of county commissioners; and in the case of improvements initiated by resolution, said notice shall also state that all persons desiring to object to the formation of the proposed district must file their written protests with the clerk of the board of county commissioners before the time fixed for said public hearing.

Sec. 24. Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to the property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in plans for the proposed improvement as shall be deemed necessary: *Provided*, That the board may not change the boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice.

Hearing—Im-  
provement or-  
dered—  
Divestment of  
power to order  
—Assessment  
roll.

After said hearing the commissioners shall have jurisdiction to overrule protests and proceed with

County sewerage, water and drainage systems—Improvement districts.

any such improvement initiated by petition or resolution: *Provided*, That the jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the clerk of the board prior to said public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district.

If the commissioners find that the district should be formed, they shall by resolution order the improvement, adopt detailed plans of the utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the county such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle the county to proceed with the work. The board of county commissioners shall proceed with the work and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within the local utility improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

Notice of filing roll.

Sec. 25. Before the approval of the roll a notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the local district, stating that the roll is on file and open to inspection in the office of the board of county commissioners, and fixing the time, not less than fifteen or more than thirty days from the date of the first publication of the notice, within which protests must be filed with the clerk against any assessments shown thereon, and fixing a time when a hearing will be held by the board on the protests. The notice shall also be given by mailing at least fifteen days

before the hearing, a similar notice to the owners or reputed owners of the land in the local district as they appear on the books of the treasurer of the county.

Sec. 26. At such hearing on a protest to an assessment, or any adjournment thereof, the board of county commissioners shall have power to correct, revise, raise, lower, change or modify such roll, or any part thereof, and to set aside such roll, and order that such assessment be made de novo, as to such body shall appear equitable and just and may then by resolution approve the same. In the event of any assessment being raised a new notice similar to such first notice shall be given, after which final approval of such roll may be made by the board of county commissioners. Whenever any property shall have been entered originally upon such roll and the assessment upon any such property shall not be raised, no objection thereto shall be considered by the commissioners or by any court on appeal unless such objection be made in writing at, or prior, to the date fixed for the original hearing upon such roll.

Hearing on  
protests—Or-  
der.

Sec. 27. In the event that any portion of the system after its installation in such utility local improvement district is not adequate for the purpose for which it was intended, or that for any reason changes, alterations or betterments are necessary in any portion of the system after its installation, then such district, with boundaries which may include one or more existing utility local improvement districts, may be created in the same manner as is provided herein for the creation of utility local improvement districts. Upon the organization of such utility local improvement district as provided for in this section the plan of the improvement and the payment of the cost of the improvement shall be carried out in the same manner as is provided herein

Enlargement  
of district.

County sewerage, water and drainage improvement districts.

for the carrying out of and the paying for the improvement in the utility local improvement districts previously provided for in this act.

Conclusiveness of assessment roll when approved.

Sec. 28. Whenever any assessment roll for local improvements shall have been confirmed by the board of county commissioners as herein provided, the regularity, validity and correctness of the proceedings relating to such improvement and to the assessment therefor, including the action of the board upon such assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll in the manner and within the time provided in this act, and not appealing from the action of the board of county commissioners in confirming such assessment roll in the manner and within the time in this act provided. No proceedings of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of any property to pay such assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor: *Provided*, That this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds:

- (1) That the property about to be sold does not appear upon the assessment roll, or
- (2) That said assessment has been paid.

Appeal—Notice of appeal.

Sec. 29. The decision of the board of county commissioners upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the clerk of the board of county commissioners and

with the clerk of the superior court within ten days after the resolution confirming such assessment roll shall have become published, and such notice shall describe the property and set forth the objections of such appellant to such assessment. Within the ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the board of county commissioners with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such clerk of the board of county commissioners and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the county is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the clerk of the board of county commissioners that such transcript is filed. Said notice shall state a time, not less than three days from the service thereof, when the appellant will call up the said cause for hearing. The superior court shall, at said time or at such

Appeal—No-  
tice of appeal.

further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such county and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have the custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court, and the record and opening brief of the appellant in said cause shall be filed in the supreme court within sixty days after the appeal shall have been taken by notice as provided in this section. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

Segregation of  
special assess-  
ments—Fees—  
Costs.

Sec. 30. Whenever any land against which there has been levied any special assessment by a county shall have been sold in part or subdivided, the board of county commissioners of such county shall have the power to order a segregation of the assessment.

Any person desiring to have such a special assessment against a tract of land segregated to apply to smaller parts thereof shall apply to the board of county commissioners which levied the assessment. If the board determines that a segregation should be made, they shall by resolution order the county treasurer to make segregation on the original assessment roll as directed in the resolution. The segregation shall be made as nearly as possible on the same basis as the original assessment was levied, and the total of the segregated parts of the assessment shall equal the assessment before segregation. The resolution shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part. A certified copy of the resolution shall be delivered to the county treasurer who shall proceed to make the segregation ordered upon being tendered a fee of three dollars for each tract of land for which a segregation is to be made. In addition to such charge the board of county commissioners may require as a condition to the order of segregation that the person seeking it pay the county the reasonable engineering and clerical costs incident to making the segregation.

Sec. 31. This act shall be complete authority for the establishment, construction and operation and maintenance of a system or systems of sewerage and/or water hereby authorized, and shall be liberally construed to accomplish its purpose. Any act inconsistent herewith shall be deemed modified to conform with the provisions of this act for the purpose of this act only.

Declaration of purpose.

Sec. 32. If any portion of this act as now or hereafter amended, or its application to any person or circumstances, is held invalid or unconstitutional, such adjudication shall not affect the validity of the

Severability.

act as a whole, or any section, provision or part thereof not adjudged to be invalid or unconstitutional, and its application to other persons or circumstances shall not be affected.

**Emergency.**

Sec. 33. This act is hereby declared to be necessary for the public peace, health, safety and welfare and declared to be a county purpose and that the bonds and special assessments authorized hereby are found to be for a public purpose.

Passed the House February 18, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 73.

[Engrossed House Bill No. 115.]

CITIES AND TOWNS—COMMUNITY MUNICIPAL  
CORPORATIONS.

AN ACT relating to cities and towns; providing for the creation of community municipal corporations and consolidations and annexations thereto; establishing the powers, duties and functions of community municipal corporations; prescribing procedures therefor; amending section 35.13.015, chapter 7, Laws of 1965, as amended by section 3, chapter 88, Laws of 1965 extraordinary session, and RCW 35.13.015; amending section 35.13.020, chapter 7, Laws of 1965, as amended by section 4, chapter 88, Laws of 1965 extraordinary session, and RCW 35.13.020; amending section 35.13.030, chapter 7, Laws of 1965, as amended by section 5, chapter 88, Laws of 1965 extraordinary session, and RCW 35.13.030; amending section 35.13.080, chapter 7, Laws of 1965, as amended by section 6, chapter 88, Laws of 1965, extraordinary session, and RCW 35.13.080; amending section 35.13.090, chapter 7, Laws of 1965, as amended by section 7, chapter 88, Laws of 1965 extraordinary session, and RCW 35.13.090; amending section 35.13.100, chapter 7, Laws of 1965, as amended by section 8, chapter 88, Laws of 1965 extraordinary session, and RCW 35.13.100; amending section 35.13.110, chapter 7, Laws of 1965, as amended by section 9, chapter 88, Laws of 1965 extraordinary session, and RCW 35.13.110; amend-

ing section 35.10.210, chapter 7, Laws of 1965 and RCW 35.10.210; amending section 35.10.220, chapter 7, Laws of 1965 and RCW 35.10.220; amending section 35.10.230, chapter 7, Laws of 1965 and RCW 35.10.230; amending section 35.10.240, chapter 7, Laws of 1965 and RCW 35.10.240; amending section 35.10.260, chapter 7, Laws of 1965 and RCW 35.10.260; amending section 35.10.270, chapter 7, Laws of 1965 and RCW 35.10.270; amending section 35.10.280, chapter 7, Laws of 1965 and RCW 35.10.280; and amending section 35.10.290, chapter 7, Laws of 1965 and RCW 35.10.290.

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

Section 1. Whenever cities are consolidated or cities of the third or fourth classes are annexed pursuant to the provisions of chapter 35.10 RCW, or unincorporated territory is annexed by a city pursuant to the provisions of chapter 35.13 RCW, community municipal corporations may be organized in the manner provided for in this 1967 amendatory act for the following service areas:

Cities and towns—Annexation—Consolidation. Creation of community municipal corporations.

(1) The entire territory within the boundaries of the least populous of two cities consolidated pursuant to chapter 35.10 RCW;

(2) The entire territory within the boundaries of any city of the third or fourth class which has become annexed to a city of the first class pursuant to chapter 35.10 RCW; and

(3) The territory comprised of all or a part of an unincorporated area annexed to a city pursuant to chapter 35.13 RCW, if (a) the service area is such as would be eligible for incorporation as a city or town or (b) the service area has a minimum population of not less than three hundred inhabitants and ten percent of the population of the annexing city or (c) the service area has a minimum population of not less than one thousand inhabitants.

No territory shall be included in the service area of more than one community municipal corporation. Whenever a new community municipal corporation

is formed embracing all of the territory of an existing community municipal corporation, the prior existing community municipal corporation shall be deemed to be dissolved on the effective date of the new corporation.

Community  
municipal cor-  
porations—  
Community  
council—Com-  
position.

Sec. 2. A community municipal corporation shall be governed by a community council composed as follows:

(1) As to a service area comprising the territory within the boundaries of the least populous of two consolidated cities, the members of the city council or commission of the least populous of the two cities shall be the members of the original community council. If the voters within the service area have elected to continue the community municipal corporation in existence as provided for in section 6 of this 1967 amendatory act, the membership of any such subsequent council shall be the same in number as the original council and such subsequent members shall be elected to consecutively numbered positions at the continuation election from qualified electors residing within the service area.

(2) As to a service area comprising the territory within a city of the third or fourth class annexed to a city of the first class, the members of the city council or commission of the third or fourth class city shall be the members of the original community council. If the voters within the service area have elected to continue the community municipal corporation in existence as provided for in section 6 of this 1967 amendatory act, the membership of any such subsequent council shall be the same in number as the original council and such subsequent members shall be elected to consecutively numbered positions at the continuation election from qualified electors residing within the service area.

(3) As to a service area comprising all or part of an unincorporated area annexed to a city, the com-

munity council shall consist of five members. Initial council members shall be elected concurrently with the annexation election to consecutively numbered positions from qualified electors residing within the service area. Declarations of candidacy and withdrawals shall be in the same manner as is provided for members of the city council or other legislative body of the city to which annexation is proposed. Subsequent council membership shall be the same in number as the initial council and such members shall be elected to consecutively numbered positions at the continuation election pursuant to section 6 of this 1967 amendatory act from qualified electors residing within the service area.

(4) Terms of original council members shall be coexistent with the original term of existence of the community municipal corporation and until their successors are elected and qualified. Vacancies in any council shall be filled for the remainder of the unexpired term by a majority vote of the remaining members.

Sec. 3. Each community council shall be staffed by a deputy to the city clerk of the city with which the service area is consolidated or annexed and shall be provided with such other clerical and technical assistance and a properly equipped office as may be necessary to carry out its functions.

Community  
municipal  
corporations.  
Community  
council—Staff  
—Officers—  
Meetings.

Each community council shall elect a chairman and vice chairman from its membership. A majority of the council shall constitute a quorum. Each action of the community municipal corporation shall be by resolution approved by vote of the majority of all the members of the community council. Meetings shall be held at such times and places as provided in the rules of the community council. Members of the community council shall receive no compensation.

The necessary expenses of the community council shall be budgeted and paid by the city.

Cities and towns—Community council approval of municipal actions—Effect of disapproval.

Sec. 4. The adoption, approval, enactment, amendment, granting or authorization by the city council or commission of any ordinance or resolution applying to land, buildings or structures within any community council corporation shall become effective within such community municipal corporation either on approval by the community council, or by failure of the community council to disapprove within sixty days of final enactment, with respect to the following:

- (1) Comprehensive plan;
- (2) Zoning ordinance;
- (3) Conditional use permit, special exception or variance;
- (4) Subdivision ordinance;
- (5) Subdivision plat;
- (6) Planned unit development.

Disapproval by the community council shall not affect the application of any ordinance or resolution affecting areas outside the community municipal corporation.

Upon annexation or consolidation, pending the effective enactment or amendment of a zoning or land use control ordinance, without disapproval of the community municipal corporation, affecting land, buildings, or structures within a community municipal corporation, the zoning ordinance, resolution or land use controls applicable to the annexed or consolidated area, prior to the annexation or consolidation, shall remain in effect within the community municipal corporation and be enforced by the city to which the area is annexed or consolidated.

Whenever the comprehensive plan of the city, insofar as it affects the area of the community municipal corporation has been submitted as part of an annexation proposition and approved by the voters of the area proposed for annexation pursuant to chapter 88, Laws of 1965 extraordinary session, such

action shall have the same force and effect as approval by the community council of the comprehensive plan, zoning ordinance and subdivision ordinance.

Sec. 5. In addition to powers and duties relating to approval of zoning regulations and restrictions as set forth in section 4 of this 1967 amendatory act, a community municipal corporation acting through its community council may:

Community  
municipal  
councils—  
Powers and  
duties.

(1) Make recommendations concerning any proposed comprehensive plan or other proposal which directly or indirectly affects the use of property or land within the service area;

(2) Provide a forum for consideration of the conservation, improvement or development of property or land within the service area; and

(3) Advise, consult, and cooperate with the legislative authority of the city on any local matters directly or indirectly affecting the service area.

Sec. 6. The original terms of existence of any community municipal corporation shall be for at least four years and until the first Monday in January next following a regular municipal election held in the city.

Term of com-  
munity mu-  
nicipal council  
—Continuation  
of existence—  
Election proce-  
dure.

Any such community municipal corporation may be continued thereafter for additional periods of four years' duration with the approval of the voters at an election held and conducted in the manner provided for in this section.

Authorization for a community municipal corporation to continue its term of existence for each additional period of four years may be initiated pursuant to a resolution or a petition in the following manner:

(1) A resolution praying for such continuation may be adopted by the community council and shall be filed not less than seven months prior to the end

Term of community municipal council—Continuation of existence—Election procedure.

of the term of existence of such corporation with the city council or other legislative body of the city in which the service area is located.

(2) A petition for continuation shall be signed by at least ten percent of the registered voters residing within the service area and shall be filed not less than six months prior to the end of the term of existence of such corporation with the city council or other legislative body of the city in which the service area is located.

At the same election at which a proposition is submitted to the voters of the service area for the continuation of the community municipal corporation for an additional period of four years, the community council members of such municipal corporation shall be elected. The positions on such council shall be the same in number as the original or initial council and shall be numbered consecutively and elected at large. Declarations of candidacy and withdrawals shall be in the same manner as is provided for members of the city council or other legislative body of the city.

Upon receipt of a petition, the city clerk shall examine the signatures thereon and certify to the sufficiency thereof. No person may withdraw his name from a petition after it has been filed.

Upon receipt of a valid resolution or upon duly certifying a petition for continuation of a community municipal corporation, the city clerk with whom the resolution or petition was filed shall cause a proposition on continuation of the term of existence of the community municipal corporation to be placed on the ballot at the next city general election. No person shall be eligible to vote on such proposition at such election unless he is a qualified voter and resident of the service area.

The ballots shall contain the words "For continuation of community municipal corporation" and

“Against continuation of community municipal corporation” or words equivalent thereto, and shall also contain the names of the candidates to be voted for to fill the positions on the community council. The names of all candidates to be voted upon shall be printed on the ballot alphabetically in groups under the numbered position on the council for which they are candidates.

If the results of the election as certified by the county canvassing board reveal that a majority of the votes cast are for continuation, the municipal corporation shall continue in existence for an additional period of four years, and certificates of election shall be issued to the successful candidates who shall assume office at the same time as members of the city council or other legislative body of the city.

Sec. 7. Section 35.13.015, chapter 7, Laws of 1965 as amended by section 3, chapter 88, Laws of 1965 extraordinary session and RCW 35.13.015 are each amended to read as follows:

RCW 35.13.015  
amended.

In addition to the method prescribed by RCW 35.13.020 for the commencement of annexation proceedings, the legislative body of any city or town may, whenever it shall determine by resolution that the best interests and general welfare of such city or town would be served by the annexation of unincorporated territory contiguous to such city or town, file a certified copy of the resolution with the board of county commissioners of the county in which said territory is located. The resolution of the city or town initiating such election shall describe the boundaries of the area to be annexed, as nearly as may be state the number of voters residing therein, pray for the calling of an election to be held among the qualified voters therein upon the question of annexation, and provide that said city or town will pay the cost of the annexation election. The resolution may require that there also be submitted to the

Cities and towns. Annexation of unincorporated areas. Resolution for election method—Procedure.

Cities and towns. Annexation of unincorporated areas. Resolution for election method—Procedure.

electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation. Whenever a city or town has prepared and filed a comprehensive plan for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, the resolution initiating the election may also provide for the simultaneous adoption of the comprehensive plan upon approval of annexation by the electorate of the area to be annexed. The resolution initiating the election may also provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in sections 1 through 6 of this 1967 amendatory act upon approval of annexation by the electorate of the area to be annexed. The proposition for the creation of a community municipal corporation may be submitted as part of the annexation proposition or may be submitted as a separate proposition.

RCW 35.13.020 amended.

Sec. 8. Section 35.13.020, chapter 7, Laws of 1965 as amended by section 4, chapter 88, Laws of 1965 extraordinary session and RCW 35.13.020 are each amended to read as follows:

Election method—Procedure.

A petition for an election to vote upon the annexation of a portion of a county to a contiguous city or town signed by qualified voters resident in the area equal in number to twenty percent of the votes cast at the last election may be filed in the office of the board of county commissioners: *Provided*, That any such petition shall first be filed with the legislative body of the city or town to which the annexation is proposed, and such legislative body shall, by resolution entered within sixty days from

the date of presentation, notify the petitioners, either by mail or by publication in the same manner notice of hearing is required by RCW 35.13.040 to be published, of its approval or rejection of the proposed action. The petition may also provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in sections 1 through 6 of this 1967 amendatory act. The proposition for the creation of a community municipal corporation may be submitted as part of the annexation proposition or may be submitted as a separate proposition. In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to be annexed shall, upon annexation be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation. Whenever the legislative body has prepared and filed a comprehensive plan for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, the legislative body in approving the proposed action, may require that the comprehensive plan be simultaneously adopted upon approval of annexation by the electorate of the area to be annexed. The approval of the legislative body shall be a condition precedent to the filing of such petition with the board of county commissioners as hereinafter provided. The costs of conducting such election shall be a charge against the city or town concerned.

Sec. 9. Section 35.13.030, chapter 7, Laws of 1965 as amended by section 5, chapter 88, Laws of 1965 extraordinary session and RCW 35.13.030 are each amended to read as follows:

RCW 35.13.030  
amended.

Cities and towns. Annexation—Election method—Petition for election—Contents.

A petition filed with the county commissioners to call an annexation election shall particularly describe the boundaries of the area proposed to be annexed, state the number of voters residing therein as nearly as may be, state the provisions, if any there be, relating to assumption of debt by the owners of property of the area proposed to be annexed, and/or the simultaneous adoption of a comprehensive plan for the area proposed to be annexed, and shall pray for the calling of an election to be held among the qualified voters therein upon the question of annexation. If the petition also provides for the creation of a community municipal corporation and election of community council members, the petition shall also describe the boundaries of the proposed service area, state the number of voters residing therein as nearly as may be, and pray for the election of community council members by the qualified voters residing in the service area.

RCW 35.13.080 amended.

Sec. 10. Section 35.13.080, chapter 7, Laws of 1965 as amended by section 6, chapter 88, Laws of 1965 extraordinary session and RCW 35.13.080 are each amended to read as follows:

Election method—Notice of election.

Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, describe the boundaries of the proposed service area if the simultaneous creation of a community municipal corporation is provided for, state the objects of the election as prayed in the petition or as stated in the resolution and require the voters to cast ballots which shall contain the words "For annexation" and "Against annexation" or words equivalent thereto, or contain the words "For annexation and adoption of comprehensive plan" and "Against annexation and adoption of comprehensive plan" or words equivalent thereto in case the simultaneous adoption of a comprehensive plan is proposed, and, if appropriate, the words "For creation

of community municipal corporation” and “Against creation of community municipal corporation” or words equivalent thereto, or contain the words “For annexation and creation of community municipal corporation” and “Against annexation and creation of community municipal corporation” or words equivalent thereto in case the simultaneous creation of a community municipal corporation is proposed, and which in case the assumption of indebtedness is proposed, shall contain as a separate proposition, the words “For assumption of indebtedness” and “Against assumption of indebtedness” or words equivalent thereto. If the creation of a community municipal corporation and election of community council members is provided for, the notice shall also require the voters within the service area to cast ballots for candidates for positions on such council. The notice shall be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed and published for at least two weeks prior to the date of election in a newspaper printed and published within the limits of the territory proposed to be annexed, or, if there is no such newspaper, in a newspaper printed and published in the city or town to which the area is proposed to be annexed, or if there is no newspaper published in the city or town, in a newspaper of general circulation in the area published and printed in the county. Such notice shall be in addition to the notice required by chapter 29.27 RCW.

Sec. 11. Section 35.13.090, chapter 7, Laws of 1965 as amended by section 7, chapter 88, Laws of 1965 extraordinary session and RCW 35.13.090 are each amended to read as follows:

RCW 35.13.090  
amended.

On the Monday next succeeding the annexation election, the county canvassing board shall proceed to canvass the returns thereof and shall submit the

Cities and towns—Annexation—Election method—Canvass—Vote required. Assumption of indebtedness—Creation of community municipal corporation—Certification.

statement of canvass to the board of county commissioners.

The proposition for or against annexation or for or against annexation and adoption of the comprehensive plan, or for or against creation of a community municipal corporation, or any combination thereof, as the case may be, shall be deemed approved if a majority of the votes cast on that proposition are cast in favor of annexation or in favor of annexation and adoption of the comprehensive plan, or for creation of the community municipal corporation, or any combination thereof, as the case may be. If a proposition for or against assumption of indebtedness was submitted to the electorate, it shall be deemed approved if a majority of at least three-fifths of the electors of the territory proposed to be annexed voting on such proposition vote in favor thereof, and the number of persons voting on such proposition constitutes not less than forty percent of the total number of votes cast in such territory at the last preceding general election. If either or both propositions were approved by the electors, the board shall enter a finding to that effect on its minutes, a certified copy of which shall be forthwith transmitted to and filed with the clerk of the city or town to which annexation is proposed, together with a certified abstract of the vote showing the whole number who voted at the election, the number of votes cast for annexation and the number cast against annexation or for annexation and adoption of the comprehensive plan and the number cast against annexation and adoption of the comprehensive plan or for creation of a community municipal corporation and the number cast against creation of a community municipal corporation, or any combination thereof, as the case may be, and if a proposition for assumption of indebtedness was submitted to the electorate, the abstract shall include the num-

ber of votes cast for assumption of indebtedness and the number of votes cast against assumption of indebtedness, together with a statement of the total number of votes cast in such territory at the last preceding general election. If the proposition for creation of a community municipal corporation was submitted and approved, the abstract shall include the number of votes cast for the candidates for community council positions and certificates of election shall be issued to the successful candidates who shall assume office within ten days after the election.

Sec. 12. Section 35.13.100, chapter 7, Laws of 1965 as amended by section 8, chapter 88, Laws of 1965 extraordinary session and RCW 35.13.100 are each amended to read as follows:

RCW 35.13.100  
amended.

Upon filing of the certified copy of the finding of the board of county commissioners, the clerk shall transmit it to the legislative body of the city or town at the next regular meeting or as soon thereafter as practicable. If a proposition relating to annexation or annexation and adoption of the comprehensive plan or creation of a community municipal corporation, or both, as the case may be was submitted to the voters and such proposition was approved, the legislative body shall adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the comprehensive plan, or adopt an ordinance providing for the annexation and creation of a community municipal corporation, as the case may be. If a proposition for annexation or annexation and adoption of the comprehensive plan or creation of a community municipal corporation, as the case may be, and a proposition for assumption of indebtedness were both submitted, and were approved, the legislative body shall adopt an ordinance providing for the annexation or annexation and adoption of the

Election method—Ordinance to effectuate.

Cities and towns. Annexation.

comprehensive plan or annexation and creation of a community municipal corporation including the assumption of indebtedness. If the propositions were submitted and only the annexation or annexation and adoption of the comprehensive plan or annexation and creation of a community municipal corporation proposition was approved, the legislative body may, if it deems it wise or expedient, adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the comprehensive plan, or adopt ordinances providing for the annexation and creation of a community municipal corporation, as the case may be.

RCW 35.13.110 amended.

Sec. 13. Section 35.13.110, chapter 7, Laws of 1965 as amended by section 9, chapter 88, Laws of 1965 extraordinary session and RCW 35.13.110 are each amended to read as follows:

Election method—Effective date.

Upon the date fixed in the ordinance of annexation, the area annexed shall become a part of the city or town. Upon the date fixed in the ordinances of annexation and adoption of the comprehensive plan, the area annexed shall become a part of the city or town and property in the annexed area shall be subject to and a part of the comprehensive plan, as prepared and filed as provided for in RCW 35.13.177 and 35.13.178. Upon the date fixed in the ordinances of annexation and creation of a community municipal corporation, the area annexed shall become a part of the city or town, the community municipal corporation shall be deemed organized, and property in the service area shall be deemed subject to the powers granted to such corporation as provided for in this 1967 amendatory act. All property within the territory hereafter annexed shall, if the proposition approved by the people so provides after June 12, 1957, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed

to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation.

Sec. 14. Section 35.10.210, chapter 7, Laws of 1965 and RCW 35.10.210 are each amended to read as follows:

RCW 35.10.210  
amended.

The council, or other legislative body, of either of such contiguous corporations, upon receiving a petition therefor signed by not less than one-fifth of the qualified electors of such corporation, as shown by the votes cast at the last general municipal election held in such corporation, shall, within ninety days after receiving such petition, cause to be submitted to the electors of each of such corporations, at a special election to be held for that purpose, the question whether such corporations shall become consolidated into one corporation, and, in case the existing corporations are operating under different forms of government, shall submit to said electors the question as to which of the forms then in use by the existing corporations shall be the form of government under which the new corporation shall be organized and operated: *Provided*, That in all cases wherein cities and towns of the third or fourth classes desire annexation to a city of the first class either the question of consolidation or form of government shall be submitted to the electors of such city of the first class. The question of consolidation may also provide for the creation of a community municipal corporation for the smaller of the two cities as provided for in sections 1 through 6 of this 1967 amendatory act. The proposition for creation of a community municipal corporation may be submitted as part of the consolidation proposition or may be submitted as a separate proposition.

Consolidation.  
Petition—Elec-  
tion.

Sec. 15. Section 35.10.220, chapter 7, Laws of 1965 and RCW 35.10.220 are each amended to read as follows:

RCW 35.10.220  
amended.

Cities and towns. Consolidation—Designation of election date—Notice to other corporations affected.

The legislative body receiving such petition shall designate a day upon which such special election shall be held in each of the corporations proposed to be consolidated to determine whether such consolidation or creation of a community municipal corporation, or both, as the case may be, shall be effected, and shall give written notice thereof to the legislative body of each of the corporations proposed to be consolidated, which notice shall designate the name of the proposed new corporation in all cases except the proposed annexation of cities or towns of the third or fourth class to a city of the first class.

RCW 35.10.230 amended.

Sec. 16. Section 35.10.230, chapter 7, Laws of 1965 and RCW 35.10.230 are each amended to read as follows:

Duty to call election—Notice.

Upon the giving and receiving of such notice, it shall be the duty of the legislative body of each of the corporations proposed to be consolidated or consolidated with provision for creation of a community municipal corporation, except the legislative body of a city of the first class in case of the proposed annexation of cities or towns of the third or fourth class to such city of the first class, to cause to be called a special election and in addition to the election notice required by chapter 29.27 RCW to give notice of such special election by publication for four weeks prior to such election, in a legal newspaper published in such corporation, or in case no legal newspaper is published therein, then in a legal newspaper published in the county and of general circulation in such corporation. Such notice shall distinctly state the propositions to be submitted, the names of the corporations proposed to be consolidated, the name of the proposed new corporation, and the class to which such proposed new corporation will belong, and shall invite the electors to vote upon such proposition by placing a cross "X" upon their ballots after the words "For consolidation" or

“Against consolidation,” and, if appropriate, the words “For creation of community municipal corporation” and “Against creation of community municipal corporation” or words equivalent thereto or “For consolidation and creation of community municipal corporation” or “Against consolidation and creation of community municipal corporation” and, in case the question of the form of government of the proposed new corporation is submitted, to place a cross “X” upon their ballots after the words describing the forms being submitted, for example “For commission form of government” or “For councilmanic form of government” or “For council-manager form of government”.

Sec. 17. Section 35.10.240, chapter 7, Laws of 1965 and RCW 35.10.240 are each amended to read as follows:

RCW 35.10.240 amended.

In all cases, except the proposed annexation of cities or towns of the third or fourth classes to a city of the first class, the county canvassing board shall canvass the votes cast thereat. The votes cast in each of such corporations shall be canvassed separately, and the statement shall show the whole number of votes cast, the number of votes cast for consolidation and the number of votes cast against consolidation, the number of votes cast for creation of a community municipal corporation and the number of votes cast against creation of a community municipal corporation, or both, as the case may be, in each of such corporations. In case the question of the form of government of the new corporation shall have been submitted at such election, the votes thereon shall be canvassed in like manner as the votes on consolidation, and the result of such canvass shall be included in the statement, showing the total number of votes cast in all of the corporations for each form of government submitted. A certified

Cities and towns. Consolidation—Canvass of votes—Joint convention—Abstract of votes, contents, filing.

Cities and towns. Consolidation—Canvass of votes—Joint convention—Abstract of votes, contents, filing.

copy of such statement shall be filed with the legislative body of each of the corporations affected.

If it shall appear upon such statement of canvass that a majority of the votes cast in each of such corporations were in favor of consolidation or consolidation and creation of a community municipal corporation, the legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of the corporations having the largest population as shown by the last United States census, on the second Monday next succeeding the receipt of the statement of canvass to prepare an abstract of votes cast incorporating therein the information contained in the statement of canvass and declaring the consolidation adopted or consolidation adopted and a community municipal corporation created, and if such issue were submitted, declaring the form of government to be that form for which a majority of all the votes on that issue were cast. A duly certified copy of such abstract shall be filed with the legislative body of each of the corporations affected and recorded upon its minutes, and it shall be the duty of the clerk, or other officer performing the duties of clerk, of each of such legislative bodies, to transmit to the secretary of state a duly certified copy of the record of such abstract.

RCW 35.10.260 amended.

Sec. 18. Section 35.10.260, chapter 7, Laws of 1965 and RCW 35.10.260 are each amended to read as follows:

Effective date of consolidation—Terms of office.

From and after the date of such entry such corporations shall be deemed to be consolidated into one corporation under the name and style of "The City, (or town as the case may be) of . . . . . ." (naming it), with the powers conferred, or that may hereafter be conferred, by law, upon municipal corporations of the class to which the same shall belong, and the officers elected at such election, upon

qualifying as provided by law, shall be entitled to enter immediately upon the duties of their respective offices, and shall hold such offices respectively until the next regular general election to be held in such city or town, and until their successors are elected and qualified. If the proposition also provided for the creation of a community municipal corporation, such corporation shall be deemed organized with the powers granted to such corporation by this 1967 amendatory act.

Sec. 19. Section 35.10.270, chapter 7, Laws of 1965 and RCW 35.10.270 are each amended to read as follows:

RCW 35.10.270 amended.

When the electors of any city, or town, of the third or fourth class shall vote upon the question of annexation, or creation of a community municipal corporation as provided for in sections 1 through 6 of this 1967 amendatory act, or both, as the case may be, to a city of the first class, the canvassing authority shall canvass the votes and, if it appear that a majority be in favor of annexation or creation of a community municipal corporation, or both, the legislative body of such city or town shall, if said city of the first class is divided into wards and governed by councilmen elected from such wards respectively, forthwith cause a census to be taken by one or more competent persons, of all the inhabitants of such city or town. In such census the full name of each person shall be plainly written, and the names alphabetically arranged and regularly numbered in one complete series, and said census shall be verified before an officer authorized to administer oaths. Upon the completion of such census the legislative body of such city or town shall forthwith file a petition, together with a certified abstract of the votes so taken and canvassed and a copy of the census, if one has been taken, with the legislative body of such city of the first class, praying for

Annexation of third class city or town to first class city—  
Vote—Canvass—  
Census—Petition.

Annexation.

annexation or annexation and creation of a community municipal corporation under the name of such city of the first class.

RCW 35.10.280 amended.

Sec. 20. Section 35.10.280, chapter 7, Laws of 1965 and RCW 35.10.280 are each amended to read as follows:

Third class city or town to first class city—Determination by first class city.

At the next regular meeting of the legislative body of such city of the first class following the filing of such petition, or as soon thereafter as practicable, said legislative body shall proceed to hear such petition and abstract, and census if any, and if such legislative body deem it wise and expedient to take and annex or take and annex with creation of a community municipal corporation such city or town of the third or fourth class, it shall pass an ordinance, in the manner required by law and the charter of such city, declaring such city or town annexed or annexed with creation of a community municipal corporation to said city of the first class, which ordinance, in case said city is divided into wards and governed by councilmen elected from such wards respectively and the population of said city or town annexed, or annexed with creation of a community municipal corporation, as shown by said census, is sufficient to constitute one or more wards of said city of the first class, shall provide that such city or town be annexed or annexed with creation of a community municipal corporation as one or more wards according to population, and shall describe the boundaries of and assign a number, or numbers, to such ward or wards. In case the population of such annexed city or town be not sufficient to constitute a ward or wards of the city of the first class, the territory embraced in such annexed city or town shall, by said ordinance, be assigned to and become a part of the ward or wards of such city of the first class contiguous to such annexed city or town. In case said city of the first class be not divided into

wards, said ordinance shall simply provide that said city or town be annexed or annexed with creation of a community municipal corporation to such city of the first class.

Sec. 21. Section 35.10.290, chapter 7, Laws of 1965 and RCW 35.10.290 are each amended to read as follows:

RCW 35.10.290 amended.

Upon the taking effect of such ordinance of such city of the first class, such city or town of the third or fourth class shall thereupon become a part of such city of the first class under the name and style of such city and subject to its charter and all of its laws and ordinances then in force and subject to the powers set forth in this act if a community municipal corporation was created.

When effective.

In case such city or town shall have been annexed as a new ward or wards of such city of the first class, the legislative body thereof shall immediately cause to be called a special election to be held in such new ward or wards for the purpose of electing one councilman from each such ward, who shall hold office until the next general election of such city of the first class, and until his successor is elected and qualified: *Provided*, That if such general election will occur within six months after such annexation no special election for the election of councilmen shall be called. Such special election, if one be called, shall be called, held and conducted, and the vote cast thereat shall be canvassed and the result declared, in all respects as provided by law and the charter and ordinances of such city of the first class for holding special elections. It shall be the duty of the clerk, or other officer performing the duties of clerk, of such city of the first class, upon the taking effect of the ordinance annexing such city or town, to forthwith transmit to the secretary of state a certified copy of all proceedings had before

and by the legislative body of such city of the first class relating to such annexation.

Passed the House February 17, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 74.

[Engrossed Substitute House Bill No. 78.]

STATE PLANNING AND COMMUNITY AFFAIRS AGENCY.

AN ACT relating to state government; creating a planning and community affairs agency and a director therefor and prescribing powers and duties; transferring certain powers and duties; and making an effective date.

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

State planning and community affairs agency. Legislative findings.

Section 1. The legislature finds that (1) the rapid growth being experienced by many communities within the state presents new and significant problems for governmental units in providing the necessary public services and in planning and developing desirable living and working areas; (2) the full and effective use of the many programs of the federal government affecting community development necessitates full cooperation and coordination of existing state and local governmental agencies; (3) the coordination of existing state activities which affect the communities of the state requires the establishment of machinery within the state government to administer new and existing programs to meet these problems; (4) it is the urgent responsibility of the state to assist communities in meeting these problems in whatever way possible including technical and financial assistance. It is therefore the purpose of this act to establish a state agency for state planning, to aid in providing financial and technical as-

sistance to the communities of the state and to otherwise assist in such community planning and development in order to promote health and living standards and conditions that the welfare of the people of the state require.

Sec. 2. For the purposes of this act and unless the context shall clearly indicate otherwise: Definitions.

(1) "Agency" means the planning and community affairs agency as created in section 3 of this act.

(2) "Director" means the director of planning and community affairs as provided for in section 4 of this act.

Sec. 3. There is hereby established to carry out the purposes of this act a new agency of state government in the office of the governor to be known as the planning and community affairs agency. Creation.

Sec. 4. The executive head of the planning and community affairs agency shall be a director appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. He shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. He shall be bonded in an amount to be determined by the administrative board under the provisions of RCW 43.17.090, the cost of which shall be considered an office expense. Director.

Sec. 5. The director shall employ such personnel and prescribe their duties as may be necessary to implement the purposes of this act. Said employees shall be subject to those civil service and personnel policies established for state employees generally and shall be paid salaries at rates of pay comparable to those of state employees with equivalent responsibilities in other state agencies subject to the provisions of chapter 41.06 RCW. Employees—  
Civil service.

State planning  
and commu-  
nity affairs  
agency—Direc-  
tor—Powers  
and duties.

Sec. 6. The director shall supervise and administer the activities of the planning and community affairs agency and shall advise the governor and the legislature with respect to matters affecting planning and community affairs generally and more especially on the extent the state should participate in such planning and community affairs.

The director may enter into contracts on behalf of the state to carry out the purposes of this act; he may act for the state in the initiation of or participation in any multi-governmental agency program relative to the purposes of this act; and he may accept gifts and grants, whether such grants be of federal or other funds. When federal or other funds are received by the agency they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director. The director shall prepare and submit for executive and legislative action thereon the budget for the planning and community affairs agency; he shall make an annual report to the governor and to the legislature on the activities of the office and the nature of existing community problems, and after consultation with and approval by the governor, submit such recommendations for legislative action as deemed necessary to further the purposes of this act; and he shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of this act.

The director may delegate such of his functions, powers and duties to other officers and employees of the office as he deems expedient to the furtherance of the purposes of this act.

Planning func-  
tions and re-  
sponsibilities.

Sec. 7. The planning and community affairs agency shall have the following planning functions and responsibilities:

(1) Provide technical assistance to the governor and the legislature in identifying long range goals for the state.

(2) Prepare a state comprehensive plan as the state's long range public declaration of intent in developmental policy, for programming its facilities and services and for guidance of private activities and public programs at all levels of government. Plan elements may include but shall not be limited to transportation, scenic highways, public facilities, recreation, open spaces, natural resources, patterns of urban and rural development, and quality of the natural and man-made environment.

(3) Provide assistance and coordination to other state agencies for preparation of agency plans and programs.

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds.

(5) Participate with other states or subdivisions thereof in interstate planning, and assist cities, counties, municipal corporations, governmental conferences or councils and regional planning commissions to participate with other states or their subdivisions in planning.

(6) Assist the central budget agency in capital improvement programming and other programming activities.

(7) Encourage educational and research programs that further planning and community development, and provide administrative and technical services therefor.

Sec. 8. The planning and community affairs agency shall have the following community affairs functions and responsibilities:

(1) Administration or coordination of state programs and projects relating to community affairs for

Planning and  
community  
affairs agency  
—Community  
affairs func-  
tions and re-  
sponsibilities.

the planning and carrying out of the acquisition, preservation, use and development of land and provision of public facilities and services for fully carrying out the state's role in related federal grant or loan programs.

(a) Where not otherwise authorized by state law, authorize state financial participation with cities, towns, counties, and other municipal corporations in financing public works projects and service programs. The assisted projects and programs shall be consistent with local, regional and state comprehensive plans and policies.

(b) All applications for federal grants and/or loans for this purpose shall be submitted to the planning and community affairs agency for recommendation as to consistency with, state, regional, local or other plans or policies and for duplication or conflicts so as to maximize federal benefits available to the state.

(c) The director shall approve or disapprove state grants administered by the planning and community affairs agency to apply toward the nonfederal share of project costs in conformity with the provisions of this act. Such approval may be conditional upon approval of a governmental conference or council, or regional planning agency, which provides review of federal aid applications within its regional area, and upon subsequent approval of the project by an appropriate federal agency for federal grant funds. Upon approval of the application the director shall transmit it to the appropriate federal agency. Any application disapproved by the director shall be returned to the applicant with written notice of modification necessary to make the project eligible in terms of state or federal policies.

(2) Cooperate with and provide technical and financial assistance to counties, cities, municipal corporations, governmental conferences or councils, re-

gional planning commissions, parks or recreation boards, community development groups, community action agencies, Indian tribes, and similar agencies created for the purposes of aiding and encouraging an orderly productive and coordinated development of the state, and to strengthen local planning responsibility and capability.

(3) Assist the governor in coordinating the activities of state agencies which have an impact on the solution of community development problems and the implementation of community plans.

(4) Encourage and, when requested, assist the efforts of local governments to develop mutual and cooperative solutions to their common problems.

(5) Study existing legal provisions that affect the structure and financing of local government and those state activities which involve significant relations with local governmental units and recommend to the governor and the legislature such changes in these provisions and activities as may seem necessary to strengthen local government.

(6) Serve as a clearinghouse for information, data, and other materials which may be helpful or necessary to local governments to discharge their responsibilities. The clearinghouse should also provide information on available federal and state financial and technical assistance.

(7) Carry out continuing studies and analyses of the problems faced by communities within the state and develop such recommendations for administrative or legislative action as would appear necessary. In carrying out such studies and analyses, particular attention should be paid to the problems of regional, metropolitan, urban, suburban, rural, and other areas in which economic and population factors are rapidly changing.

(8) Develop and/or test model or demonstration programs and projects, which may include contract-

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community  
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tions and re-  
sponsibilities.

ing to administer certain functions or services within a community of the state for such purposes, and otherwise provide a program of practical research in the solution of community problems.

(9) Carry out the provisions of RCW 43.31.200 through 43.31.230; RCW 35.13.171 (3) relating to annexation review board responsibilities; and that portion of RCW 58.16.110 relating to state review of subdivision regulations. The department of commerce and economic development shall transfer all records, books, documents, papers, files, or other writings, all cabinets, furniture, office equipment and other tangible property, and all funds in custody or under control or use by the department and any other pertinent information relative to the business being carried on thereunder to the agency as soon as practicable after the effective date of this act and give such other assistance to the director of the planning and community affairs agency as essential to carrying out the purposes of this act. The transfer of powers and duties as provided in this subsection shall not affect the validity of any acts performed by such agency or any officer or employee thereof before taking effect of this chapter. All matters relating to functions transferred under the provisions of this subsection which at the time of transfer have not been completed may be undertaken and completed by the director of the planning and community affairs agency, who is authorized, empowered, and directed to promulgate any and all orders, rules and regulations necessary to accomplish this purpose.

(10) Carry out the provisions of RCW 43.62.010 through 43.62.050. The state census board shall transfer all records, books, documents, papers, files or other writings, all cabinets, furniture, office equipment and other tangible property, and all funds in custody or under control or use by the

board and any other pertinent information relative to the business being carried on thereunder to the agency as soon as practicable after the effective date of this act and give such other assistance to the director of the planning and community affairs agency as essential to carrying out the purposes of this act. The transfer of powers and duties as provided in this subsection shall not affect the validity of any acts performed by such agency or any officer or employee thereof before taking effect of this chapter. All matters relating to functions transferred under the provisions of this subsection which at the time of transfer have not been completed may be undertaken and completed by the director of the planning and community affairs agency, who is authorized, empowered, and directed to promulgate any and all orders, rules and regulations necessary to accomplish this purpose.

(11) Review all proposals for the location of capital improvements by any state agency to be located within any city or within any urbanized area not located within a city, and advise and make recommendations concerning location of such capital improvements.

The office shall, in carrying out its functions, consult with local and federal officials, private groups and individuals, and with officials of other states, and may, if the director deems it desirable, hold public hearings to obtain information for the purpose of carrying out the purposes of this act. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the office, including the submission of requested information as to allow the office to carry out its purposes under this act.

Sec. 9. All employees of the department of commerce and economic development and of the state census board who are employed exclusively or prin-

Transfer of  
employees.

Transfer of employees of commerce and economic development to planning and community affairs agency—Preservation of civil service rights.

cipally in performing the powers, duties and functions transferred by this act to the office of community affairs shall, upon July 1, 1967, be transferred to the office of community affairs. All such employees so transferred shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, without any loss of rights granted by said law.

Legislative declaration.

Sec. 10. The legislature hereby declares that the successful execution of the purposes of this act is dependent upon all activities and programs of those state agencies which might have an impact on community affairs being fully coordinated with the planning and community affairs agency.

Review of comprehensive plans of governmental units.

Sec. 11. All comprehensive plans, or amendments thereto, being considered by any county, city, municipal corporations, governmental conference or council, or regional planning commission must be filed with the planning and community affairs agency for the purpose of review and recommendation prior to adoption. The planning and community affairs agency shall communicate its comments and recommendations to the proponent within thirty days following receipt of such plans or amendments by the agency unless the submitting body shall authorize a longer time. Such comments and recommendations shall be advisory only. Failure of any county, city, or any other municipal corporation to comply with the provisions of this section, shall not invalidate any comprehensive plan or any amendments thereto, otherwise enacted according to law.

Planning advisory committee—Creation—Membership.

Sec. 12. A state planning advisory council of not to exceed fifteen members shall be appointed by the governor to advise the director and the governor on policy matters as specified in this act. The council shall be composed of residents of the state from such geographical areas as the governor shall deter-

mine will best further the purposes of this act: *Provided*, That there shall be at least one member from each congressional district. Members shall serve at the pleasure of the governor and shall receive twenty-five dollars per diem for each day or major portion thereof plus reimbursement for actual travel expenses incurred in the performance of their duties in the same manner as provided for state officials generally in chapter 43.03 RCW now or hereafter amended.

Sec. 13. 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 act. Tenure and compensation for expenses shall be the same as for the state planning advisory council.

Additional advisory or coordinating groups.

Sec. 14. Moneys may be appropriated to carry out the purposes of this act.

Authority to appropriate moneys.

Sec. 15. This act shall take effect on July 1, 1967.

Effective date.

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.

Severability.

Sec. 17. The enactment of this act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at date this act becomes effective.

Construction of provisions.

**NOTE: See also section 3, chapter 42, Laws of 1967 ex. sess.**

Passed the House February 24, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 75.

[Engrossed House Bill No. 678.]

LIMITATION OF ACTIONS.

AN ACT relating to limitation of actions.

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

Limitation of actions. Construction, alteration, etc., of improvements to real property.

Section 1. This act shall apply to all claims or causes of action of any kind against any person, arising from such person having constructed, altered or repaired any improvement upon real property, or having performed or furnished any design, planning, surveying, architectural or construction or engineering services, or supervision or observation of construction, or administration of construction contracts for any construction, alteration or repair of any improvement upon real property.

Limitation.

Sec. 2. All claims or causes of action as set forth in section 1 of this act shall accrue, and the applicable statute of limitation shall begin to run only during the period within six years after substantial completion of construction, or during the period within six years after the termination of the services enumerated in section 1 of this act, whichever is later. The phrase "substantial completion of construction" shall mean the state of completion reached when an improvement upon real property may be used or occupied for its intended use. Any cause of action which has not accrued within six years after such substantial completion of construction, or within six years after such termination of services, whichever is later, shall be barred: *Provided*, That this limitation shall not be asserted as a defense by any owner, tenant or other person in possession and control of the improvement at the time such cause of action accrues.

Sec. 3. Nothing in this section shall be construed as extending the period now permitted by law for bringing any kind of action. Construction  
of act.

Passed the House March 8, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 76.

[Engrossed House Bill No. 376.]

### SHOPLIFTING—DETENTION—DEFENSES.

AN ACT relating to commerce; prescribing civil and criminal defenses; amending section 1, chapter 229, Laws of 1959 and RCW 9.78.010; repealing section 3, chapter 229, Laws of 1959 and RCW 9.78.030; adding a new section to chapter 249, Laws of 1909 to chapter 9.01 RCW; adding a new section to Title 4 RCW; and prescribing penalties.

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

Section 1. Section 1, chapter 229, Laws of 1959 and RCW 9.78.010 are each amended to read as follows: RCW 9.78.010  
amended.

A person who wilfully takes possession of any goods, wares or merchandise of the value of less than seventy-five dollars offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the seller, with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof, is guilty of a gross misdemeanor of shoplifting. Upon a first conviction therefor, he shall be punished by a fine of not less than fifty dollars and not more than one thousand dollars, or by imprisonment in the county jail for not less than five days and not more than six months, or both such fine and imprisonment. Upon each subsequent conviction he shall be punished by a fine of Crimes—Shop-  
lifting—Pen-  
alty.

Criminal procedure.

not less than five hundred dollars and not more than one thousand dollars, or by imprisonment in the county jail for not less than thirty days and not more than one year, or both such fine and imprisonment.

New section.

Sec. 2. There is added to chapter 249, Laws of 1909 and to chapter 9.01 RCW a new section to read as follows:

Shoplifting—  
Detention—  
Defenses  
against criminal charge of  
false imprisonment.

In any criminal action brought by reason of any person having been detained on or in the immediate vicinity of the premises of a mercantile establishment for the purpose of investigation or questioning as to the ownership of any merchandise, it shall be a defense of such action that the person was detained in a reasonable manner and for not more than a reasonable time to permit such investigation or questioning by a peace officer or by the owner of the mercantile establishment, his authorized employee or agent, and that such peace officer, owner, employee or agent had reasonable grounds to believe that the person so detained was committing or attempting to commit larceny or shoplifting on such premises of such merchandise. As used in this section, "reasonable grounds" shall include, but not be limited to, knowledge that a person has concealed possession of unpurchased merchandise of a mercantile establishment, and a "reasonable time" shall mean the time necessary to permit the person detained to make a statement or to refuse to make a statement, and the time necessary to examine employees and records of the mercantile establishment relative to the ownership of the merchandise.

New section.

Sec. 3. There is added to Title 4 RCW a new section to read as follows:

In any civil action brought by reason of any person having been detained on or in the immediate vicinity of the premises of a mercantile establish-

ment for the purpose of investigation or questioning as to the ownership of any merchandise, it shall be a defense of such action that the person was detained in a reasonable manner and for not more than a reasonable time to permit such investigation or questioning by a peace officer or by the owner of the mercantile establishment, his authorized employee or agent, and that such peace officer, owner, employee or agent had reasonable grounds to believe that the person so detained was committing or attempting to commit larceny or shoplifting on such premises of such merchandise. As used in this section, "reasonable grounds" shall include, but not be limited to, knowledge that a person has concealed possession of unpurchased merchandise of a mercantile establishment, and a "reasonable time" shall mean the time necessary to permit the person detained to make a statement or to refuse to make a statement, and the time necessary to examine employees and records of the mercantile establishment relative to the ownership of the merchandise.

Shoplifting.  
Defenses  
against civil  
action for false  
imprisonment.

Sec. 4. Section 4, chapter 229, Laws of 1959 and RCW 9.78.030 are hereby repealed. Repeal.

Passed the House February 10, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 77.

[Engrossed House Bill No. 539.]

PUBLIC HOSPITAL DISTRICTS.

AN ACT relating to public hospital districts; providing for increase in the size of public hospital district boards of commissioners; and adding new sections to chapter 264, Laws of 1945 and to chapter 70.44 RCW.

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

Public hospital districts—Boards of commissioners—Increase in membership.

Section 1. In addition to the procedures enumerated in RCW 70.44.020, 70.44.030 and 70.44.035, the board of public hospital district commissioners in an existing intracounty or intercounty district may be increased to five or to seven members; and any district created after the effective date of this 1967 amendatory act may have three, five or seven commissioners.

Election.

Sec. 2. At any general or special election which may be called for that purpose the board of public hospital district commissioners may, or on petition of ten percent of the electors based on the total vote cast in the last general election in the district shall, by resolution, submit to the voters of the district the proposition increasing the number of commissioners to any number authorized in section 1 of this 1967 amendatory act.

New commissioners—Apportionment.

Sec. 3. (1) (a) In intracounty districts having five commissioners, one shall be elected from each commissioner district as provided in RCW 70.44.040, and two shall be elected at large from the hospital district by positions No. 4 and No. 5.

(b) In intercounty districts having five commissioners, two shall be elected from each commissioner district by positions No. 1 and No. 2, and one shall be elected at large from the hospital district.

(2) (a) In intracounty districts having seven commissioners, two shall be elected from each com-

missioner district by positions No. 1 and No. 2, and one shall be elected at large from the entire hospital district.

(b) In intercounty districts having seven commissioners, three shall be elected from each commissioner district by positions No. 1, No. 2 and No. 3, and one shall be elected at large from the entire hospital district.

Sec. 4. (1) In all existing public hospital districts in which an increase in membership of the board of hospital district commissioners is proposed, the district commissioners shall, by resolution adopted in advance of any elections therefor, provide for the staggering of terms of the additional commissioner positions so that, as nearly as is mathematically possible, one-third of the expanded board shall be elected every two years.

New commis-  
sioners—Stag-  
gering of  
terms.

(2) When a new district is proposed with more than three commissioners, the county commissioners of the counties affected shall adopt the resolution prescribed in subsection (1) of this section.

Sec. 5. Sections 1 through 4 of this 1967 amendatory act are each added to chapter 264, Laws of 1945 and to chapter 70.44 RCW.

Sections added.

Passed the House March 1, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 78.

[Engrossed House Bill No. 608.]

PUBLIC ASSISTANCE—AID TO THE BLIND.

AN ACT relating to public assistance; amending section 74.16.030, chapter 26, Laws of 1959 as amended by section 1, chapter 128, Laws of 1965, and RCW 74.16.030.

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

RCW 74.16.030 amended.

Section 1. Section 74.16.030, chapter 26, Laws of 1959 as amended by section 1, chapter 128, Laws of 1965 and RCW 74.16.030 are each amended to read as follows:

Public assistance—Aid to the blind. Eligibility.

In addition to meeting the eligibility requirements of RCW 74.08.025, an applicant for aid to the blind assistance must be an applicant:

(1) Who is twenty-one years of age or over; or who has reached his sixteenth birthday and is found not to be acceptable for education at the state school for the blind;

(2) Who has no vision or whose vision, with correcting glasses, is so defective as to prevent the performance of ordinary activities for which eyesight is essential;

(3) Who is not publicly soliciting alms in any part of this state. The term "publicly soliciting" means the wearing, carrying, or exhibiting of signs denoting blindness and the carrying of receptacles for the reception of alms, or the doing of the same by proxy, or by begging: *Provided*, That no person otherwise eligible shall be deemed ineligible who has been a patient in a public hospital for a period of less than thirty days; or is employed in a shop maintained for the blind which does not furnish board or room; or attends a college or university in the state; or who pays the assistance money received to a private institution or home for his care.

(4) Who is a resident of the state of Washington.

Passed the House February 26, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 79.

[Engrossed House Bill No. 210.]

### LICENSED PRACTICAL NURSES.

AN ACT relating to licensed practical nurses; amending section 1, chapter 222, Laws of 1949 as amended by section 1, chapter 15, Laws of 1963 and RCW 18.78.010; amending section 2, chapter 222, Laws of 1949 and RCW 18.78.020; amending section 5, chapter 222, Laws of 1949 and RCW 18.78.050; amending section 10, chapter 222, Laws of 1949 as amended by section 4, chapter 15, Laws of 1963 and RCW 18.78.090; amending section 18, chapter 222, Laws of 1949 and RCW 18.78.170; amending section 14, chapter 288, Laws of 1961 and RCW 18.88.285; adding two new sections to chapter 222, Laws of 1949 and to chapter 18.78 RCW; repealing section 5, chapter 15, Laws of 1963 and RCW 18.78.181; and providing penalties.

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

Section 1. Section 1, chapter 222, Laws of 1949 as amended by section 1, chapter 15, Laws of 1963 and RCW 18.78.010 are each amended to read as follows:

RCW 18.78.010  
amended.

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:

Licensed practical nurses.  
Definitions.

(1) "Board" shall mean "Washington state board of practical nurse examiners."

(2) "Director" shall mean "director of licenses."

(3) "Licensed practical nurse, abbreviated L.P.N." shall mean "a person licensed by the board to practice practical nursing."

Licensed practical nurses.  
Definitions.

(4) "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."

(5) "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.

RCW 18.78.020  
amended.

Sec. 2. Section 2, chapter 222, Laws of 1949 and RCW 18.78.020 are each amended to read as follows:

Washington state board of practical nurse examiners—  
Composition.

There is hereby created a board to be known and designated as the "Washington state board of practical nurse examiners." The board shall be composed of five members, appointed by the governor as follows:

(1) Two members shall be registered professional nurses having had 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;

(2) One registered professional nurse who is actively engaged in the supervision of an approved program for practical nursing;

(3) Two licensed practical nurses, at least twenty-three years of age, who shall have had not less than three years' actual experience as a licensed practical nurse and who have completed an approved course in practical nursing.

RCW 18.78.050  
amended.

Sec. 3. Section 5, chapter 222, Laws of 1949 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 to the division of professional licensing in the department of motor vehicles for licensing, those applicants duly qualified. The board shall also determine and formulate what constitutes 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.

Licensed practical nurses.  
Examination.

Sec. 4. Section 10, chapter 222, Laws of 1949 as amended by section 4, chapter 15, Laws of 1963 and RCW 18.78.090 are each amended to read as follows:

RCW 18.78.090  
amended.

Every licensed practical nurse in this state shall register annually with the division of professional licensing in the department of motor vehicles, on or before the first day of March, and shall pay an annual fee of three dollars, 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 therefore to the division of professional licensing, and upon payment to the state of a penalty of ten dollars, together with all delinquent annual license renewal fees.

License re-  
newal—Fee.

Sec. 5. Section 18, chapter 222, Laws of 1949 and RCW 18.78.170 are each amended to read as follows:

RCW 18.78.170  
amended.

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

Practicing  
without license  
—Penalty.

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."

New section.

Sec. 6. There is added to chapter 222, Laws of 1949 and to chapter 18.78 RCW a new section to read as follows:

Licensed practical nurses—Administration of medications, etc., under supervision.

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, chiropodist (acting within the scope of his license), or at or under the direction and 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 licensed practitioners shall be reduced to writing within a reasonable time and made a part of the patient's record.

New section.

Sec. 7. There is added to chapter 222, Laws of 1949 and to chapter 18.78 RCW a new section to read as follows:

Injunction to prevent violations.

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, 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 practi-

cal 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.

Sec. 8. Section 5, chapter 15, Laws of 1963 and RCW 18.78.181 are each repealed. **Repeal.**

Sec. 9. Section 14, chapter 288, Laws of 1961 and RCW 18.88.285 are each amended to read as follows: **RCW 18.88.285 amended.**

A professional nurse under 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, she is authorized to do the following things which shall not be done by any person not so licensed, except as provided in section 6 of this 1967 amendatory act: **Professional nurses. Act which may be performed only by a licensed professional nurse.**

(1) At or under the general direction of a licensed physician, dentist, osteopath or chiroprapist (acting within the scope of his license) to administer medications, treatments, tests and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required.

(2) To delegate to other persons engaged in nursing, the functions outlined in the preceding paragraph.

(3) To instruct students of nursing in technical subjects pertaining to nursing.

(4) To hold herself out to the public or designate herself as a registered nurse or professional nurse.

Passed the House March 7, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 80.

[House Bill No. 307.]

WATER MASTERS.

AN ACT relating to regulation of waters in the state of Washington; authorizing the appointment of water masters and the creation of water master districts; amending section 9, chapter 117, Laws of 1917, as amended by section 2, chapter 123, Laws of 1947, and RCW 90.03.060; and amending section 10, chapter 117, Laws of 1917 and RCW 90.03.070.

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

RCW 90.03.060 amended.

Section 1. Section 9, chapter 117, Laws of 1917 as amended by section 2, chapter 123, Laws of 1947 and RCW 90.03.060 are each amended to read as follows:

Water and water rights. Water masters —Appointment —Compensation—Contribution by counties.

Water masters shall be appointed by the supervisor of water resources whenever he shall find the interests of the state or of the water users to require them. The districts for or in which the water masters serve shall be designated water master districts, which shall be fixed from time to time by the supervisor, as required, and they shall be subject to revision as to boundaries or to complete abandonment as local conditions may indicate to be expedient, the spirit of this provision being that no district shall be created or continued where the need for the same does not exist. Water masters shall be supervised by the supervisor of water resources, shall be compensated for services from funds of the department of conservation, division of water resources, and shall be technically qualified to the extent of understanding the elementary principals of hydraulics and irrigation, and of being able to make water measurements in streams and in open and closed conduits of all characters, by the usual methods employed for that purpose. Counties and municipal and public corporations of the state are authorized to contribute moneys to the department of conservation to be used as compensation to water masters in carrying

out their duties. All such moneys received by the department of conservation shall be used exclusively for said purpose.

Sec. 2. Section 10, chapter 117, Laws of 1917 and RCW 90.03.070 are each amended to read as follows:

RCW 90.03.070  
amended.

It shall be the duty of the water master, acting under the direction of the supervisor of water resources, to divide in whole or in part, the water supply of his district among the several water conduits and reservoirs using said supply, according to the right and priority of each, respectively. He shall divide, regulate and control the use of water within his district by such regulation of headgates, conduits and reservoirs as shall be necessary to prevent the use of water in excess of the amount to which the owner of the right is lawfully entitled. Whenever, in the pursuance of his duties, the water master regulates a headgate of a water conduit or the controlling works of a reservoir, he shall attach to such headgate or controlling works a written notice, properly dated and signed, stating that such headgate or controlling works has been properly regulated and is wholly under his control and such notice shall be a legal notice to all parties. In addition to dividing the available waters and supervising the stream patrolmen in his district, he shall enforce such rules and regulations as the supervisor shall from time to time prescribe.

Water masters  
—Duties—  
Office space.

The county or counties in which water master districts are created shall depute the water masters appointed hereunder, and may without charge provide to each water master suitable office space, supplies, equipment and clerical assistance as are necessary to the water master in the performance of his duties.

Passed the House February 9, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 81.

[Engrossed House Bill No. 140.]

PUBLIC WATERS—MINIMUM FLOW OR LEVEL.

AN ACT relating to water resources; and adding a new section to chapter 8, Laws of 1965 and to chapter 43.21 RCW.

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

New section.

Section 1. There is added to chapter 8, Laws of 1965 and to chapter 43.21 RCW a new section to read as follows:

Public waters  
—Minimum  
stream flow.

The director of conservation shall, upon request by and after consultation with the director of fisheries or the director of game, establish by appropriate rules and regulations, minimum water flows or levels for stream areas, lakes or other public waters to protect and enhance, for public benefit, fish and wildlife resources inhabiting or utilizing said public waters. Evidence to substantiate the need for such regulation shall accompany the request by the director of fisheries or the director of game.

The provisions of this section shall in no way affect existing water rights, storage rights, and the use thereof, incident to the operation of any hydroelectric or water storage reservoir plant or related facilities.

Passed the House February 14, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 82.

[Senate Bill No. 156.]

## PHENYLKETONURIA (P.K.U.) AND OTHER DISORDERS.

AN ACT relating to public health and safety; and providing for the promotion of detection and prevention of phenylketonuria and other preventable heritable disorders.

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

Section 1. It is hereby declared to be the policy of the state of Washington to make every effort to detect as early as feasible and to prevent where possible phenylketonuria and other preventable heritable disorders leading to mental retardation or physical defects.

Public health.  
Public policy.

Sec. 2. It shall be the duty of the Washington state department of health to promote screening tests of all newborn infants for the detection of phenylketonuria and other heritable or metabolic disorders leading to mental retardation or physical defects when such tests are available, practical, and indicated by sound medical practice.

Tests of new  
born infants.

Sec. 3. Laboratories, attending physicians, hospital administrators, or other persons performing or requesting the performance of tests for phenylketonuria shall report to the department of health all positive tests. The state board of health by rule and regulation shall, when it deems appropriate, require that positive tests for other heritable and metabolic disorders covered by this act be reported to the state department of health by such persons or agencies requesting or performing such tests.

Reports to de-  
partment of  
health.

Sec. 4. When notified of positive screening tests, the state department of health shall offer the use of its services and facilities, designed to prevent mental retardation or physical defects in such children, to the attending physician, or the parents of the

State and local  
assistance  
available.

newborn child if no attending physician can be identified.

The services and facilities of the state department of health, and other state and local agencies cooperating with the department of health in carrying out programs of detection and prevention of mental retardation and physical defects shall be made available to the family and physician to the extent required in order to carry out the intent of this act and within the availability of funds.

Public health—  
PKU—Rules  
and regulations.

Sec. 5. The state board of health shall adopt rules and regulations necessary to carry out the intent of this act.

Annual report  
to governor  
and legislature.

Sec. 6. The department shall report annually to the governor and the legislative council on the progress and effect of such testing programs. The first such report shall be delivered by January 1, 1968.

Passed the Senate February 1, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 83.

[Senate Bill No. 107.]

## COMPACT FOR EDUCATION.

AN ACT relating to education, ratifying a compact between this and other states or territories; and providing for commissioners.

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

Section 1. The Compact for Education is hereby entered into with all jurisdictions joining therein, in the form as follows:

Education.  
Compact for  
education.  
Provisions.

COMPACT FOR EDUCATION  
ARTICLE I — PURPOSE AND POLICY

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the State and local levels.

2. Provide a forum for the discussion, development, crystalization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the Nation, so that the executive and legislative branches of State Government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of State and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative

Education.  
Compact for  
education.  
Provisions.

tive advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and State initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and States.

C. The party States recognize that each of them has an interest in the quality and quantity of education furnished in each of the other States, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the Nation, and because the products and services contributing to the health, welfare and economic advancement of each State are supplied in significant part by persons educated in other States.

#### ARTICLE II — STATE DEFINED

As used in this Compact, "State" means a State, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

#### ARTICLE III — THE COMMISSION

A. The Education Commission of the States, hereinafter called "the Commission", is hereby established. The Commission shall consist of seven members representing each party State. One of such members shall be the Governor; two shall be members of the State legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. If the laws of a State prevent legislators from serving on the Commission, six members shall be appointed and serve at the pleasure of the Governor, unless the

laws of the State otherwise provide. In addition to any other principles or requirements which a State may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the Commission from each party State shall be that the members representing such State shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State Government, higher education, the state education system, local education, lay and professional, public and non-public educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the members of the Commission representing the party States, there may be not to exceed ten non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the Commission shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the Commissioners are present. The Commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the Commission may delegate the exercise of any of its powers to the steering committee or the Executive Director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and

Education.  
Compact for  
education.  
Provisions.

adoption of the annual report pursuant to Article III (J).

C. The Commission shall have a seal.

D. The Commission shall elect annually, from among its members, a chairman, who shall be a Governor, a vice chairman and a treasurer. The Commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the Commission, and together with the treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party States, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its bylaws shall provide for the personnel policies and programs of the Commission.

F. The Commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any State, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pur-

suant to this paragraph or services borrowed pursuant to paragraph (F) of this Article shall be reported in the annual report of the Commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

I. The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party States.

J. The Commission annually shall make to the Governor and legislature of each party State a report covering the activities of the Commission for the preceding year. The Commission may make such additional reports as it may deem desirable.

#### ARTICLE IV — POWERS

In addition to authority conferred on the Commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.
2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.
3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

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4. Conduct or participate in research of the types referred to in this Article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

#### ARTICLE V — COOPERATION WITH FEDERAL GOVERNMENT

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the Commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to Federal law, and may be drawn from any one or more branches of the Federal Government, but no such representative shall have a vote on the Commission.

B. The Commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the States, and may advise with any such agencies or officers concerning any matter of mutual interest.

## ARTICLE VI — COMMITTEES

A. To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One-fourth of the voting membership of the steering committee shall consist of Governors, one-fourth shall consist of Legislators, and the remainder shall consist of other members of the Commission. A Federal representative on the Commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the Commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice chairman, and treasurer of the Commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the Commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

B. The Commission may establish advisory and technical committees composed of State, local, and Federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the States concerned, be established to con-

sider any matter of special concern to two or more of the party States.

C. The Commission may establish such additional committees as its bylaws may provide.

#### ARTICLE VII — FINANCE

A. The Commission shall advise the Governor or designated officer or officers of each party State of its budget and estimated expenditures for such period as may be required by the laws of that party State. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party States.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the Commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party States.

The Commission shall not pledge the credit of any party States. The Commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III (G) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it pursuant to Article III (G) thereof, the Commission shall not incur any obligation prior to the allotment of funds by the party States adequate to meet the same.

D. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and

the report of the audit shall be included in and become part of the annual reports of the Commission.

E. The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party States and by any persons authorized by the Commission.

F. Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

#### ARTICLE VIII — ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL

A. This compact shall have as eligible parties all States, Territories, and Possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a Governor, the term "Governor", as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any State or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make his State a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the Governor shall appoint those persons who, in addition to himself, shall serve as the members of the Commission from his State, and shall provide to the Commission an equitable share of the financial

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support of the Commission from any source available to him.

D. Except for a withdrawal effective on December 31, 1967 in accordance with paragraph C of this Article, any party State may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States. No withdrawal shall affect any liability already incurred by or chargeable to a party State prior to the time of such 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 State or of the United States, or the application thereof to any Government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any Government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating therein, the compact shall remain in full force and effect as to the State affected as to all severable matters.

Education  
commission—  
Members—Ap-  
pointment.

Sec. 2. The seven members of the education commission of the states representing the state of Washington are designated or shall be appointed as follows: (1) The governor; (2) a member of the senate appointed by the president; (3) a member of the house of representatives appointed by the speaker; and (4) four members appointed by the governor.

Appointments shall be made in accordance with the guiding principles set forth in Article III (A) of the compact.

Sec. 3. The term of the members appointed by the president and the speaker shall be dependent upon continued membership in the house from which appointed and shall expire upon the adjournment sine die of the regular session of the legislature next succeeding the appointment of such member. Vacancies occurring during the term shall be filled for the unexpired term by the appointment of a successor in the same manner as for the vacating member. Members appointed by the governor shall serve at his pleasure. The first members appointed by the president and the speaker shall be appointed during the fortieth session of the legislature. The first members appointed by the governor shall be appointed prior to July 1, 1967. The first terms under this act shall commence on July 1, 1967. The first meeting of the members shall be held within sixty days thereafter at the call of the governor.

Terms of members—Vacancies.

Sec. 4. The governor or a member designated by him shall be chairman of the members of the commission representing this state.

Chairman, governor or appointee.

The commissioners shall cooperate with all public and private entities having an interest in educational matters.

The commissioners may employ such professional, technical and clerical assistance as may be required to carry out the functions herein prescribed.

Sec. 5. Each member of the commission from the state of Washington shall be paid, from funds appropriated by the legislature of the state of Washington for that purpose, the sum of twenty-five dollars per day for each day or major part thereof devoted to the business of the commission, together with his traveling and other necessary expenses. In no event

Per diem.

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shall such commissioner's per diem payments exceed fifteen hundred dollars in any one year. Such member may, regardless of any charter or statutory provision to the contrary, be an officer or employee holding another public position, and if he be such other public officer or employee, his per diem payment shall only be such an amount as would, together with the compensation for such other public position, not exceed the sum of twenty-five dollars per day.

Powers.

Sec. 6. There is hereby granted to the commissioners representing this state all the powers provided for in said compact and all powers necessary or incidental to the carrying out of said compact in every particular.

Cooperation  
enjoined.

Sec. 7. All officers of this state are hereby authorized and directed to do all things, falling within their respective provinces and jurisdiction, necessary to or incidental to the carrying out of the compact for education in every particular. All officers, bureaus, departments and persons of and in the government or administration of this state are hereby authorized and directed, at convenient times and upon the request of the commissioners representing this state, to furnish the education commission with information and data possessed by them or any of them, and to aid the commission by any means lying within their legal powers respectively.

Bylaws—Fil-  
ing.

Sec. 8. Pursuant to Article III (I) of the compact, the commission shall file a copy of its bylaws and any amendment thereto with the secretary of state.

Passed the Senate March 2, 1967.

Passed the House March 9, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 84.

[Senate Bill No. 161.]

MENTAL HEALTH ETC. SERVICES—LOCAL INTERSTATE  
CONTRACTS.

AN ACT relating to county or city mental health and retardation services.

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

Section 1. Any county, or city within a county which is situated on the state boundaries is authorized to contract for mental health and/or retardation services with a county situated in either the states of Oregon or Idaho, located on the boundaries of such states with the state of Washington.

Mental health services—Local county interstate contracts.

Passed the Senate February 16, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 85.

[Senate Bill No. 106.]

LITTERING.

AN ACT relating to crimes and punishments; prohibiting littering on public and private property; adding new sections to chapter 249, Laws of 1909 and to Title 9 RCW; and providing penalties.

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

New sections.

Section 1. There is added to chapter 249, Laws of 1909 and to Title 9 RCW two new sections to read as set forth in sections 2 and 3 of this 1967 amendatory act.

Crimes. Littering.

Sec. 2. It is unlawful for any person to throw, to drop, or to leave any discarded object, debris, or any waste, upon any public or private property in this state, or in any waters in this state unless—

(1) such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

(2) into a litter receptacle or container installed on such property;

(3) he is the owner or a tenant in lawful possession of such property.

Penalty.

Sec. 3. Any person violating the provisions of section 2 of this 1967 amendatory act is guilty of a misdemeanor, subject to fine or imprisonment, or both, as in the case of misdemeanors, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, may be directed by the judge to pick up and remove from any public street or highway or public and private right of way, or public beach or public park, or any private property with prior permission of the legal owner upon which it is established by competent evidence that he has deposited litter or debris or waste, any or all

debris and waste deposited thereon by anyone prior to the date of execution of sentence.

Sec. 4. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is unaffected. Severability.

Sec. 5. The provisions of this 1967 amendatory act shall be cumulative and nonexclusive and shall not affect any other remedy. Provisions cumulative and nonexclusive.

Passed the Senate January 31, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 86.

[Senate Bill No. 90.]

URBAN TRANSPORTATION SYSTEMS—FUEL TAX  
EXEMPTIONS AND REFUNDS.

AN ACT relating to taxation; amending section 82.36.275, chapter 15, Laws of 1961, as last amended by section 1, chapter 135, Laws of 1965, and RCW 82.36.275; and amending section 82.40.047, chapter 15, Laws of 1961 as last amended by section 2, chapter 135, Laws of 1965, and RCW 82.40.047.

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

Section 1. Section 82.36.275, chapter 15, Laws of 1961, as last amended by section 1, chapter 135, Laws of 1965, and RCW 82.36.275 are each amended to read as follows: RCW 82.36.275 amended.

Notwithstanding RCW 82.36.240, every urban passenger transportation system shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used, whether such vehicle fuel tax has been paid either Motor vehicle fuel tax.

Motor vehicle fuel tax. Refunds for urban transportation systems.

directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such tax to the price of such fuel.

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) do not extend for a distance exceeding six road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are located: *Provided*, That no refunds authorized by this section shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than six road miles beyond the corporate limits of the city in which said trip originated.

RCW 82.40.047 amended.

Sec. 2. Section 82.40.047, chapter 15, Laws of 1961, as last amended by section 2, chapter 135, Laws of 1965, and RCW 82.40.047 are each amended to read as follows:

Motor vehicle use fuel tax. Refund for urban transportation system.

Notwithstanding any provisions of law to the contrary, every urban passenger transportation system shall be exempt from the provisions of chapter 82.40 requiring the payment of use 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 route in such a manner that the routes of such motor vehicles and/or trackless trolleys, either along 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 six road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are located: *Provided*, That no refunds authorized by this section shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than six road miles beyond the corporate limits of the city in which said trip originated.

Passed the Senate February 17, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 87.

[Senate Bill No. 101.]

### RETAIL SALES TAX—EXEMPTIONS.

AN ACT relating to the retail sales tax; and amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 14, chapter 173, Laws of 1965 extraordinary session.

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

Section 1. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 14, chapter 173, Laws of 1965 extraordinary session and RCW 82.08.030 are each amended to read as follows:

RCW 82.08.030  
amended.

The tax hereby levied shall not apply to the following sales:

Retail sales tax  
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(1) Casual and isolated sales of property or service, unless made by a person who is engaged in

Retail sales tax  
—Exemptions.

a business activity taxable under chapters 82.04, 82.16 or 82.28: *Provided*, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36: *Provided*, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: *Provided*, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and

Retail sales tax  
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services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce: *Provided*, That the purchaser must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of licenses pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of licenses pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does,

deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the tax commission and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the tax commission with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the tax commission shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that

**Retail sales tax  
—Exemptions.**

the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the tax commission a permit certifying (1) that he is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the tax commission access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records

which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the tax commission upon payment of a fee of one dollar. The commission may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the commission may prescribe. Such agents shall pay over and account to the commission for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

(22) Sales of form lumber to any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: *Provided*, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and

Retail sales tax  
—Exemptions.

stockpiling of sand, gravel and rock when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

**NOTE:** See also section 20, chapter 149, Laws of 1967 ex. sess.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 88.

[Senate Bill No. 181.]

**ELECTRICIANS AND ELECTRICAL INSTALLATIONS.**

AN ACT relating to electricians and electrical installations; amending section 3, chapter 169, Laws of 1935 and RCW 19.28.070; amending section 4, chapter 169, Laws of 1935 as last amended by section 3, chapter 117, Laws of 1965 extraordinary session and RCW 19.28.120; and amending section 8, chapter 169, Laws of 1935 as last amended by section 5, chapter 117, Laws of 1965 extraordinary session and RCW 19.28.210.

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

RCW 19.28.070  
amended.

Section 1. Section 3, chapter 169, Laws of 1935 and RCW 19.28.070 are each amended to read as follows:

The director of labor and industries of the state of Washington and the officials of all incorporated cities and towns where electrical inspections are required by local ordinances shall have power and it shall be their duty to enforce the provisions of this chapter in their respective jurisdictions. The director of labor and industries shall have power to appoint an electrical inspector, and such assistant inspectors as he shall deem necessary to assist him in the performance of his duties. All electrical inspectors appointed by the director of labor and industries shall be electricians of not less than four years experience in installing and maintaining electrical equipment, or four years experience as electrical inspectors for a municipality, or two years electrical training in a college of electrical engineering of recognized standing, and two years continuous practical electrical experience in installation work or four years of electrical training in a college of electrical engineering of recognized standing. Such state inspectors shall be paid such salary or per diem as the director of labor and industries shall determine, together with their necessary traveling expenses. The expenses of the director of labor and industries and the salaries and expenses of state inspectors incurred in carrying out the provisions of this chapter shall be paid entirely out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Electricians and electrical installations—Enforcement—State electrical inspectors—Qualifications—Salaries and expenses.

Sec. 2. Section 4, chapter 169, Laws of 1935 as last amended by section 3, chapter 117, Laws of 1965 extraordinary session and RCW 19.28.120 are each amended to read as follows:

RCW 19.28.120 amended.

It shall be unlawful for any person, firm, or corporation to engage in, conduct or carry on the business of installing wires or equipment to convey electric current, or installing apparatus or appliances to be operated by such current, without having an un-

Electricians  
and electrical  
installations—  
License re-  
quired—Fee—  
Application—  
Bond.

revoked, unsuspended and unexpired license so to do, issued by the director of labor and industries in accordance with the provisions of this chapter. All such licenses shall expire on the thirty-first day of December following the day of their issue, and the fee for such license shall be one hundred dollars. Application for such license shall be made in writing to the department of labor and industries, accompanied by the required fee, and shall state the name and address of the applicant, and in case of firms, the names of the individuals composing the firm, and in case of corporations, the name of the managing officials thereof, and shall state the location of the place of business of the applicant and the name under which such business is conducted. Such a license shall grant to the holder thereof the right to engage in, conduct, or carry on, the business of installing wires or equipment to carry electric current, and installing apparatus or appliances, or install material to enclose, fasten, insulate, or support such wires or equipment, to be operated by such current, in any and all places in the state of Washington. The application for such license shall be accompanied by a bond in the sum of two thousand dollars with the state of Washington named as obligee therein, with good and sufficient surety, to be approved by the attorney general. Said 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 suspend the license issued to the principal until such time as a new bond of like tenor and effect shall have been filed and approved as herein provided. Upon approval of said bond by the attorney general, the director of labor and industries shall on the next business day thereafter deposit the fee accompanying said application in the fund to be known and designated as the "electrical license fund," and the

department of labor and industries shall thereupon issue said license. Upon approval of said bond by the attorney general, he shall transmit the same to the state electrical inspection division, who shall file said bond in the office, and upon application furnish to any person, firm or corporation a certified copy thereof, under seal, upon the payment of a fee of two dollars. Said bond shall be conditioned that in any installation of wires or equipment to convey electrical current, and apparatus to be operated by such 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 ordinance, building code, or regulations 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 in effect at the time of entering into a contract for such installation. Said bond shall be conditioned further that the principal will pay for all labor and material furnished or used upon such work and all damages that may be sustained by any person, firm or corporation due to a failure of the principal to make such installation in accordance with the provisions of this chapter, or any ordinance, building code or regulation applicable thereto.

**NOTE:** See also section 1, chapter 15, Laws of 1967 ex. sess.

Sec. 3. Section 8, chapter 169, Laws of 1935 as last amended by section 5, chapter 117, Laws of 1965 extraordinary session and RCW 19.28.210 are each amended to read as follows:

RCW 19.28.210  
amended.

The director of labor and industries, through the inspector, assistant inspector, or deputy inspector, is hereby empowered to inspect, and shall inspect, all wiring, appliances, devices and equipment to which this chapter applies. Upon request, electrical inspec-

Electricians  
and electrical  
installations—  
Inspections—  
Notice to  
repair and  
change—Dis-  
connection—  
Entry—Con-  
cealment—  
Connection to  
utility—Labels  
—Fees.

tions 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 the necessary electrical safe wiring label 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 corporation owning, using or operating the same shall be notified by the director of labor and industries 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 conform to the provisions of this chapter. The director of labor and industries through such inspector, assistant inspector or any deputy inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to such conductors or apparatus as is found to be in a dangerous or unsafe condition and not in accordance with the provisions of this chapter. Upon making such disconnection he shall attach thereto a notice stating that such conductors have been found dangerous to life or property or not in accordance with the requirements of this chapter; and it shall be unlawful for any person to reconnect such defective conductors or apparatus without the approval of the director of labor and industries, and until the same have been placed in a safe and secure condition, and in such condition as to comply with the requirements of this chapter. The director of labor and industries, through the electrical inspector, assistant inspector, or any deputy inspector, shall have the right during

reasonable hours to enter into and upon any building or premises in the discharge of his 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. No electrical wiring or equipment subject to the requirements of this chapter shall be concealed until an inspection is applied for under this chapter and an inspection made and the work therein approved by the inspector making such inspection. It shall be the responsibility of those persons making electrical installations to obtain inspection and approval from an authorized representative of the director of labor and industries as required by this chapter, prior to requesting the electric utility to connect to said installation. Electric utilities may connect such said installations if approval is clearly indicated by certification of the safe wiring label 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 is displayed. The labels shall be furnished upon payment to the department of labor and industries of a fee in accordance with the following schedule: Single family residence, not more than one thousand square feet, ten dollars; for such wiring in excess of one thousand square feet but not more than two thousand square feet, twelve dollars; and for such wiring in excess of two thousand square feet, fourteen dollars. All other electrical installation fees will be as follows: Service installations of one hundred amperes or less ten dollars; service installations in excess of one hundred amperes but not more than two hundred amperes, eighteen dollars; service installations in excess of two hundred amperes, but not more than three hun-

Electricians  
and electrical  
installations—  
Inspections—  
Notice to  
repair and  
change—Dis-  
connection—  
Entry—Con-  
cealment—  
Connection to  
utility—Labels  
—Fees.

dred amperes, thirty dollars; service installations in excess of three hundred amperes, but not more than four hundred amperes, forty-five dollars; service installations in excess of four hundred amperes, fifty-five dollars. Each new feeder installation shall be twenty-five percent of the fee for new service installations of like ampacity. For temporary construction service for lighting and power, three dollars. Each sign and outline lighting circuit, three dollars. All new circuits, circuit alterations and circuit extensions where service and feeder installations are existing, except in such electrical installations used for manufacturing, fabricating, assembling, finishing, packaging, or processing operations which have at all times two or more regular employees engaged solely in electrical installations or electrical maintenance work, the fee shall be four dollars. Fees for alterations requiring the increase or relocation of an existing service shall be as follows: Single family residence, four dollars; all other altered service installations, the fee shall be fifty percent of the fee for new service work. For yard pole meter loops, a fee of five dollars shall be charged. For each adjacent farm building other than the residence, a fee of three dollars shall be charged. Applications for labels shall be in writing and signed by the applicant; and labels when used by a licensed contractor shall bear the signature or seal of such contractor. The required label fees shall be paid within ten days after the completion of an electrical installation. In the event such fee is not paid in the time stated, the fees shall be double the amount specified in the above schedule.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 89.

[Senate Bill No. 91.]

MARITAL DOCUMENTS—COPIES TO ARMED SERVICES PERSONNEL.

AN ACT relating to public documents; and amending section 1, chapter 16, Laws of 1949 and RCW 73.04.120.

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

Section 1. Section 1, chapter 16, Laws of 1949 and RCW 73.04.120 are each amended to read as follows:

RCW 73.04.120 amended.

County clerks and county auditors, respectively, are authorized and directed to furnish free of charge to the legal representative, surviving spouse, child or parent of any deceased veteran certified copies of marriage certificates, decrees of divorce or annulment, or other documents contained in their files affecting the marital status of such veteran whenever any such document shall be required in connection with any claim pending before the United States veterans' bureau or other governmental agency administering benefits to war veterans. Where these same documents are required of service personnel of the armed forces of the United States for determining entitlement to family allowances and other benefits, they shall be provided without charge by county clerks and county auditors upon request of the person in the service or his dependents.

Veterans and veteran's affairs. Marital documents—Copies to armed forces personnel.

Passed the Senate January 31, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 90.

[Senate Bill No. 41.]

UNIVERSITY DISTRICT—GAMES FOR HIRE.

AN ACT prohibiting the maintenance of games for hire in the vicinity of the University of Washington, and providing penalties for violations thereof; and amending section 1, chapter 21, Laws of 1923 and RCW 9.47.150.

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

RCW 9.47.150 amended.

Section 1. Section 1, chapter 21, Laws of 1923, and RCW 9.47.150 are each amended to read as follows:

University of Washington District—Games for hire prohibited.

It shall be unlawful for any person to keep, maintain, conduct, or carry on, for hire, any game of cards, punchboard, dice, or other game of skill or chance, on or within one mile of the grounds of the University of Washington, otherwise known as fractional section 16 in township 25 north, range 4 east of the Willamette meridian.

Passed the Senate February 8, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 91.

[Senate Bill No. 163.]

## ARREST BY TELETYPE—EXTRADITION.

AN ACT relating to criminal procedure; providing for warrant and arrest by telegraph or teletype; amending procedure for interstate extradition; amending section 16, page 75, Laws of 1865 as amended by section 2357, Code of 1881, and RCW 10.31.060; and amending section 5, page 102, Laws of 1854 as last amended by section 98, chapter 28, Laws of 1891 and RCW 10.34.030.

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

Section 1. Section 16, page 75, Laws of 1865 as amended by section 2357, Code of 1881, and RCW 10.31.060 are each amended to read as follows:

RCW 10.31.060  
amended.

Whenever any person or persons shall have been indicted or accused on oath of any public offense, or thereof convicted, and a warrant of arrest shall have been issued, the magistrate issuing such warrant, or any judge of the supreme court, or of any superior court, may indorse thereon an order signed by him and authorizing the service thereof by telegraph or teletype, and thereupon such warrant and order may be sent by telegraph or teletype to any marshal, sheriff, constable or policeman, and on the receipt of the telegraphic or teletype copy thereof by any such officer, he shall have the same authority and be under the same obligations to arrest, take into custody and detain the said person or persons, as if the said original warrant of arrest, with the proper direction for the service thereof, duly indorsed thereon, had been placed in his hands, and the said telegraphic or teletype copy shall be entitled to full faith and credit, and have the same force and effect in all courts and places as the original; but prior to indictment and conviction, no such order shall be made by any officer, unless in his

Warrants of  
arrest—Service  
—Telegraph or  
teletype.

Warrants of  
arrest—Service  
—Telegraph or  
teletype.

judgment there is probable cause to believe the said accused person or persons guilty of the offense charged: *Provided*, That the making of such order by any officer aforesaid, shall be prima facie evidence of the regularity thereof, and of all the proceedings prior thereto. The original warrant and order, or a copy thereof, certified by the officer making the order, shall be preserved in the telegraph office or police agency from which the same is sent, and in telegraphing or teletyping the same, the original or the said certified copy may be used.

RCW 10.34.030  
amended.

Sec. 2. Section 5, page 102, Laws of 1854 as last amended by section 98, chapter 28, Laws of 1891 and RCW 10.34.030 are each amended to read as follows:

Prisoners—  
Extradition  
procedures.

The governor may appoint agents (1) to make a demand upon the executive authority of any state or territory for the surrender of any fugitive from justice, or any other person charged with a felony or any other crime in this state or (2) to accept the voluntary surrender of any such person who has waived extradition. Whenever an application shall be made to the governor for the appointment of an agent he may require the official submitting the same to provide whatever information is necessary prior to approval of the application.

The accounts of the agents appointed by the governor under this section shall in all cases be paid from the state treasury out of funds appropriated for that purpose upon claims approved by the office of the governor. The office of the governor may prescribe the amounts to be reimbursed to such agents, in the manner in which legislative bodies of political subdivisions of the state may prescribe the amounts to be reimbursed to officers and employees thereof, as set forth in RCW 42.24.090: *Provided*, That these expenses shall be reasonable, and shall

be computed on the basis of actual expenditures incurred, and not on an hourly or per diem basis.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 92.

[Senate Bill No. 220.]

SELECTION OF JURORS IN SUPERIOR COURT.

AN ACT relating to the selection of jurors in the superior court; and amending section 3, chapter 57, Laws of 1911, as last amended by section 1, chapter 287, Laws of 1961 and RCW 2.36.060.

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

Section 1. Section 3, chapter 57, Laws of 1911, as last amended by section 1, chapter 287, Laws of 1961 and RCW 2.36.060 are each amended to read as follows:

RCW 2.36.060 amended.

The judge or judges of the superior court of each county shall divide the county into not less than three jury districts, following the lines of voting precincts and arranging the districts in such manner that the population in each district shall be as nearly equal as may be, and the fixing of the boundaries of the district shall be evidenced by an order made by the court and entered upon its records.

Juries—Petit juries, how drawn—Jury list—Procedure.

For the purposes of this section the clerk or comptroller of each incorporated city or town designated as registrar of voters by Title 29 RCW, except the registrars of voters in the city or town which is the county seat of any county, shall prepare annually from the original registration files of voters of such city or town a list according to a procedure or formula established by the judge or judges of the

Juries—Petit  
juries, how  
drawn—Jury  
list—Pro-  
cedure.

superior court for the selection of prospective jurors from the original registration files of voters of the city or town which is the county seat of the county, and from the original registration files of rural precincts of voters. The list shall be divided into the respective voting precincts and shall specify with respect to each name appearing on said list all the information upon the original registration card of each qualified voter, and the said clerk or comptroller shall certify and file such list with the county auditor of his county on or before the first day of June of each year.

During the month of July of each year, the judge or judges of the superior court for each county shall select by lot, in the manner hereinafter set forth, from said lists and from the original registration files of voters of the city or town which is the county seat of the county, and from the original registration files of rural precincts of voters in the office of the county auditor of said county, and enter in a book kept for that purpose and shall certify and file with the county clerk a jury list containing the names of a sufficient number of qualified persons to serve as jurors until the first day of August of the next calendar year. The judge or judges may call (but are not required to call) one or more electors from each or any of the jury districts to advise in the selection. Each such elector shall receive for his services the sum of five dollars per day and the mileage allowed sheriffs, upon vouchers approved by the judge or presiding judge of the county. In making the selection of jurors the judge or judges shall be bound by the list of names filed with the county clerk as in this section provided. At any time and from time to time the judges may add to the jury list in the same manner, and when this is done a certified list of the names added shall be filed with the clerk.

The number of persons selected from the several jury districts shall be as nearly as possible in proportion to the number of names on the list certified and filed with the county clerk for the several districts. Any woman who upon being listed upon the list as in this section provided shall claim her exemption to serve as a juror, shall not be listed in the preparation of the list of jurors.

The county clerk shall provide boxes sufficient in number to correspond with the number of jury districts fixed by the court, and numbered to correspond therewith, and having written the names appearing in the jury list for each district upon slips of paper, which shall be similar in size, quality of paper, and writing, shall deposit such slips in the jury box of the proper district. At the time of the drawing of names for any venire there must be in the jury boxes at least five times as many names as the number of names to be drawn.

The jury list shall be selected by the judge or judges in the following manner:

(1) The selection of precincts from which names are to be selected shall be by lot;

(2) The number of jurors selected from each precinct selected under subsection (1) shall, insofar as practicable, be equal;

(3) The selection of prospective jurors within a given precinct shall be by selection of names in a given and identical numbered sequence based upon the number of jurors to be selected therefrom.

Passed the Senate February 22, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 93.

[Senate Bill No. 120.]

JUVENILES—DESTRUCTION OF RECORDS.

AN ACT relating to the files of juveniles committed to the department of institutions by the juvenile courts.

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

Juvenile delinquents—  
Destruction of records.

Section 1. The director of institutions shall provide for the selective destruction of department of institutions' files of juveniles found delinquent by the juvenile courts and committed to the department of institutions, when such juvenile attains the age of twenty-one years: *Provided*, That the file of any juvenile committed by the juvenile court to a state residential school as provided by RCW 72.33.130 may, in the discretion of the director, be preserved, except the file of any juvenile convicted of a felony shall be preserved.

Passed the Senate February 28, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 94.

[Substitute Senate Bill No. 33.]

LAND DONATION—SAN JUAN ISLAND NATIONAL  
HISTORIC PARK.

AN ACT relating to the donation of lands to the United States government for the development of a national historical park.

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

Section 1. The consent and authorization of this state is hereby given to the acquisition by the United States by donation from this state of any right, title and interest of this state in the following described lands at American and English camps on San Juan Island for the development of the San Juan Island National Historical Park, as authorized by Public Law 89-565; provided, that any right, title or interest that may be donated shall revert to the state if the United States shall fail to develop a national historical park on the following described lands within ten (10) years from the effective date of this act.

State lands—  
Donation to  
San Juan  
Island National  
Historic Park.

The lands subject to donation contain One Hundred Nineteen (119) acres more or less and are described as follows:

Government Lots Eleven (11) and Twelve (12), Section Twenty-Six (26), Township Thirty-Six (36) North, Range Four (4) West, W.M. in San Juan County, Washington; also

Government Lot Fifteen (15) and that portion of Government Lot Thirteen (13), Section Twenty-Six (26), Township Thirty-Six (36) North, Range Four (4) West, W.M., in San Juan County, Washington, included in a tract described as follows:

Beginning at a point on the south line of said Government Lot Thirteen (13) which is westerly One Hundred Ten (110) feet from the southeast corner thereof and running thence North at right

State lands—  
Donation to  
San Juan  
Island National  
Historic Park.

angles to said south line 34.7 feet, thence North 72° 30' West 284.7 feet, thence North 41° West Four Hundred Fifty (450) feet, thence South 69° West Four Hundred Seventy Five (475) feet, thence South One Hundred Forty Seven (147) feet, to a point on the bank above the beach, said point being East Two Hundred (200) feet from the West line of said Government Lot Thirteen (13); thence South 5° West 25.4 feet; thence South 84° 47' East Two Hundred Seventy Nine (279) feet; thence South 24° 58' East to the point of intersection with the south line of said Government Lot Thirteen (13); thence easterly along said south line to the point of beginning; also

Those portions of the West Half (W ½) Southwest Quarter (SW ¼), Section Twenty-Five(25), Township Thirty-Six(36) North, Range Four (4) West, W.M. in San Juan County, Washington included in a tract described as follows:

Beginning at a point on the west line of said West Half (W ½) Southwest Quarter (SW ¼) which is southerly Two Hundred Ninety (290) feet from the northwest corner thereof and running thence South 72° 40' East One Thousand One Hundred Forty One (1141) feet to the center of the county road, thence along said center line South 27° 22' West One Hundred Eighty Six (186.0) feet, thence South 24° West 420.2 feet, thence South 9° 35' East 610.2 feet to the centerline of English Camp Road, thence along said centerline North 40° 07' West 393.7 feet, thence North 42° 06' West 551.3 feet, thence North 46° 33' West Four Hundred Twenty (420) feet to the west line of said West Half (W ½) Southwest Quarter (SW ¼) and thence northerly along said west line Five Hundred Four (504) feet to the point of beginning, Except portion lying within the county road, Except portion lying within English Camp Road; also

That portion of the Southwest Quarter (SW  $\frac{1}{4}$ ) of Section Twenty-Five (25), Township Thirty-Six (36) North, Range Four (4) West, W.M. in San Juan County, Washington, included in a tract described as follows:

Beginning at the southeast corner of said Southwest Quarter (SW  $\frac{1}{4}$ ) running thence North  $44^{\circ} 10'$  West 1681.8 feet, thence North  $28^{\circ} 00'$  West 747.8 feet to a point on the south and east margin of the county road, thence northeasterly along said south and east margin to the north line of said Southwest Quarter (SW  $\frac{1}{4}$ ), thence easterly along said north line to the northeast corner of said Southwest Quarter (SW  $\frac{1}{4}$ ) and thence southerly along the east line of said Southwest quarter (SW  $\frac{1}{4}$ ) to the point of beginning.

SUBJECT TO reservation by James Crook and Rhoda Anderson for them, their heirs and assigns, of an easement for ingress and egress and location of utility line over, through, under and across that certain existing road now located in a portion or portions of the above-described real property and providing access to and from an existing county road for the benefit of James Crook and Rhoda Anderson for them, their heirs and assigns and the real property retained by them lying adjacent to portions of the above-described property and presently providing access to the "English Camp Site" located upon portions of the above-described property, said easement shall be limited to the use of one family occupying the land retained by James Crook and Rhoda Anderson for them, their heirs and assigns situated adjacent to the above-described property; also

The North Three Hundred Thirty (330) feet of the West Seven Hundred (700) feet of Section Twelve (12), Township Thirty-Four (34) North,

Range Three (3) West, W.M. in San Juan County, Washington, Except county roads.

Effectuation of donation of state land.

Sec. 2. The Washington state parks and recreation commission is authorized and directed, with the advice and approval of the attorney general, to take such steps and perform such acts as may be necessary to effectuate the donation of the lands described in section 1 of this act to the United States for the purposes set forth in section 1 of this act and the provisions of Public Law 89-565.

Passed the Senate February 18, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 95.

[Senate Bill No. 241.]

SALE, EXCHANGE, OF WASHINGTON STATE PATROL LAND IN SEATTLE.

AN ACT relating to the sale and conveyance or lease or exchange of certain real property in the city of Seattle and providing for the distribution of proceeds.

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

Washington state patrol land in Seattle, sale, exchange.

Section 1. The Washington state patrol may sell or lease or exchange for property of like value the following described property located in Eden Addition No. 2 to the city of Seattle:

Lot 1 Block 13 together with the vacated 10' of Aloha Street adjoining Lot 1 except the East 7';

Lot 2 Block 13 except the East 7';

Lot 3 Block 13 except the East 7';

Lot 4 Block 13 except the East 7';

Lot 1 Block 18 except the East 7';

Lot 2 Block 18 except the East 7';

Lot 3 Block 18 except the East 7';

Lot 4 Block 18 except the East 7';

Such sale, lease, or exchange may be made at such time as the chief of the Washington state patrol determines that said property is no longer needed as a district office.

Before any sale under the provisions of this act shall be made the property shall be appraised by two independent competent real estate appraisers. Any sale pursuant to the provisions of this act shall be made to the best bidder for a price not less than the appraised value of said property and pursuant to a call for bids published at least 15 days prior to the date fixed for the sale in one issue of a daily newspaper printed and published in the county in which the property is located.

Sec. 2. In the event of a sale as authorized in section 1, any instrument necessary to convey title to the property described in section 1 shall be executed by the governor in form approved by the attorney general.

Governor to execute necessary documents.

Sec. 3. The consideration received from the sale or lease authorized in section 1 hereof shall be deposited in the state patrol highway account of the motor vehicle fund in the state treasury and shall be set aside and utilized for the purchase or improvement of real property for the use of the Washington state patrol.

Disposition of proceeds.

Passed the Senate February 3, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 20, 1967.

CHAPTER 96.

[Senate Bill No. 555.]

ELECTIONS—STATE MEASURES—  
NOTICES—PUBLICATION.

AN ACT relating to elections; and amending sections 29.27.072, 29.27.074 and 29.27.076, chapter 9, Laws of 1965 and RCW 29.27.072, 29.27.074 and 29.27.076.

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

RCW 29.27.072 amended.

Section 1. Section 29.27.072, chapter 9, Laws of 1965 and RCW 29.27.072 are each amended to read as follows:

Elections. State measures. Notices.

The secretary of state shall cause notice of the proposed constitutional amendments and laws authorizing state debts that are to be submitted to the people to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state and shall supplement publication thereof by radio and television broadcast as provided in RCW 65.16.130, 65.16.140, and 65.16.150.

RCW 29.27.074 amended.

Sec. 2. Section 29.27.074, chapter 9, Laws of 1965 and RCW 29.27.074 are each amended to read as follows:

Notice—Publication—Contents.

The notice provided for in RCW 29.27.072 as amended in section 1 of this 1967 amendatory act shall set forth the following information:

- (1) A legal identification of the state measure to be voted upon.
- (2) The official ballot title of such state measure.
- (3) A brief statement explaining the constitutional provision or state law as it presently exists.
- (4) A brief statement explaining the effect of the state measure should it be approved.

(5) The total number of votes cast for and against the measure in both the state senate and house of representatives.

Sec. 3. Section 29.27.076, chapter 9, Laws of 1965 and RCW 29.27.076 are each amended to read as follows:

RCW 29.27.076 amended.

The attorney general shall, by the first day of July preceding each general election, prepare the explanatory statements required in RCW 29.27.074 as amended in section 2 of this 1967 amendatory act. Such statements shall be prepared in clear and concise language and shall avoid the use of legal and other technical terms insofar as possible. Any person dissatisfied with the explanatory statement so prepared may at any time within ten days from the filing thereof in the office of the secretary of state appeal to the superior court of Thurston county by petition setting forth the proposed state measure, the explanatory statement prepared by the attorney general, and his objection thereto and praying for the amendment thereof. A copy of the petition and a notice of such appeal shall be served on the secretary of state and the attorney general. The court shall, upon filing of the petition, examine the proposed state measure, the explanatory statement, and the objections thereto and may hear argument thereon and shall, as soon as possible, render its decision and certify to and file with the secretary of state such explanatory statement as it determines will meet the requirement of RCW 29.27.072 through 29.27.076 as each are amended in this 1967 amendatory act. The decision of the superior court shall be final and its explanatory statement shall be the established explanatory statement. Such appeal shall be heard without costs to either party.

State measures. Notice. Explanatory statement by attorney general—Appeal.

Passed the Senate February 27, 1967.

Passed the House March 9, 1967.

Approved by the Governor March 20, 1967.

## CHAPTER 97.

[Senate Bill No. 159.]

## COUNTIES—CONTRACT AND PURCHASE PROCEDURE.

AN ACT relating to counties; and amending section 36.32.250, chapter 4, Laws of 1963 as amended by section 1, chapter 113, Laws of 1965 and RCW 36.32.250.

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

RCW 36.32.250  
amended.

Section 1. Section 36.32.250, chapter 4, Laws of 1963 as amended by section 1, chapter 113, Laws of 1965, and RCW 36.32.250 are each amended to read as follows:

Counties.  
Contract and  
purchase  
procedure.

No contract or purchase shall be entered into by the board of county commissioners or by any elected or appointed officer of such county until after bids have been submitted to the board of county commissioners upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the board for public inspection, and an advertisement thereof stating the date after which bids will not be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the board, shall be published in the county official newspaper. Such advertisement shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and as many additional publications as shall be determined by the board. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at a meeting of the board on the date named therefor in said advertisement, and after being opened, shall be filed for public inspection. No bid shall be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check

in an amount equal to five per cent of the amount of the bid proposed. The contract for the public work or purchase shall be awarded to the lowest responsible bidder; taking into consideration the quality of the articles or equipment to be purchased. Any or all bids may be rejected for good cause. The board shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. Should the bidder to whom the contract is awarded fail to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the board. In the letting of any contract or purchase involving less than one thousand dollars advertisement and competitive bidding may be dispensed with on order of the board of county commissioners. Notice of intention to let contracts or to make purchases involving amounts exceeding five hundred dollars and less than one thousand dollars, shall be posted by the board of county commissioners on a bulletin board in its office not less than three days prior to making such purchase or contract. Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible.

**NOTE:** See also section 16, chapter 144, Laws of 1967 ex. sess.

Passed the Senate February 27, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 20, 1967.

CHAPTER 98.

[Senate Bill No. 92.]

RECORDING AND FILING OF DOCUMENTS.

AN ACT relating to instruments to be recorded or filed; amending section 1, page 26, Laws of 1865 as last amended by section 1, chapter 182, Laws of 1919 and RCW 65.04.030; and amending section 1, chapter 125, Laws of 1919 as amended by section 1, chapter 254, Laws of 1959 and RCW 65.04.040.

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

RCW 65.04.030 amended.

Section 1. Section 1, page 26, Laws of 1865 as last amended by section 1, chapter 182, Laws of 1919 and RCW 65.04.030 are each amended to read as follows:

Recording and filing of documents. County auditor.

He must, upon the payment of his fees for the same, acknowledge receipt therefor in writing or printed form and record in large and well bound books, or by photographic or photomechanical process, the following:

(1) Deeds, grants and transfers of real property, mortgages and releases of mortgages of real estate, instruments or agreements relating to community or separate property, powers of attorney to convey real estate, and leases which have been acknowledged or proved: *Provided*, That deeds, contracts and mortgages of real estate described by lot and block and addition or plat, shall not be filed or recorded until the plat of such addition has been filed and made a matter of record;

(2) Patents to lands and receivers' receipts, whether for mineral, timber, homestead or preemption claims or cash entries;

(3) All such other papers or writing as are required by law to be recorded and such as are required by law to be filed.

He may also, upon the payment of his fees for the same, record or file such other documents or

papers as may be requested by the person offering the same for recording or filing.

Sec. 2. Section 1, chapter 125, Laws of 1919 as amended by section 1, chapter 254, Laws of 1959 and RCW 65.04.040 are each amended to read as follows:

RCW 65.04.040 amended.

Any state, county, or municipal officer charged with the duty of recording instruments in public records, may, in lieu of transcription, record them by receiving number in the order filed, irrespective of the type of instrument, using a photographic or photomechanical process, which produces a clear, legible, and durable record and which has been tested and approved for the intended purpose by the state archivist.

Photographic recordation, microfilm etc.

In addition, the county auditor, in the exercise of his duty of recording instruments in public records, may, in lieu of transcription, record all instruments, which he is charged by law to record, except plats, by any photographic, photostatic, microfilm, micro-card, miniature photographic or other process which actually reproduces or forms a durable medium for so reproducing the original, and which has been tested and approved for the intended purpose by the state archivist. If the county auditor, in lieu of transcription, records any instrument by a process herein enumerated which produces a miniature copy of the original it shall not be necessary thereafter to make any notations or marginal notes, which are otherwise required by law, thereon: *Provided*, That in lieu of making said notations thereon, the auditor shall immediately make a note of such in both the direct and inverted indexes and other appropriate indexes, in the column headed "remarks", opposite the appropriate entry.

The county auditor may provide in his office for the use of the public books containing reproductions of instruments and other materials that have been

recorded pursuant to the provisions of this section. The contents of such books may be arranged according to date of filing, irrespective of type of instrument, or in such other manner as the county auditor in his discretion shall deem proper.

Passed the Senate January 20, 1967.

Passed the House March 3, 1967.

Approved by the Governor March 20, 1967.

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CHAPTER 99.

[Senate Bill No. 483.]

EXPLOSIVES.

AN ACT relating to public health and safety; and amending section 2, chapter 111, Laws of 1931 and RCW 70.74.020.

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

RCW 70.74.020 amended.

Section 1. Section 2, chapter 111, Laws of 1931 and RCW 70.74.020 are each amended to read as follows:

Public safety. Explosives. Restrictions.

No person shall manufacture, process, have, keep or store explosives in this state, except in compliance with this act, except that explosives may be manufactured without compliance with this act in the laboratories of schools, colleges and similar institutions, for the purpose of investigation and instruction. The director of the department of labor and industries is hereby delegated the authority to grant written waiver of this act whenever it can be shown that the manufacturing, handling, or storing of explosives are in compliance with applicable national or federal explosive safety standards.

It shall be unlawful to sell, give away or otherwise dispose of, or deliver to any person under eighteen years of age any explosives, whether said person is acting for himself or for any other person.

All persons engaged in keeping, using or storing any compound, mixture or material, in wet condition, or otherwise, which upon drying out or undergoing other physical changes, may become an explosive within the definition of RCW 70.74.010, shall report in writing subscribed to by such person or his agent, to the department of labor and industries, report blanks to be furnished by such department, and such reports to require:

(1) The kind of compound, mixture or material kept or stored, and maximum quantity thereof.

(2) Condition or state of compound, mixture or material.

(3) Place where kept or stored.

The department of labor and industries may at any time cause an inspection to be made to determine whether the condition of the compound, mixture or material is as reported.

Passed the Senate February 27, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 20, 1967.

CHAPTER 100.

[Substitute Senate Bill No. 239.]

COMMISSION CITIES—SALARIES, MAYOR AND COMMISSIONERS.

AN ACT relating to cities operating under the commission form of government; adding a new section to chapter 7, Laws of 1965 and to chapter 35.17 RCW; repealing section 35.17.110, chapter 7, Laws of 1965 as amended by section 1, chapter 22, Laws of 1965 and RCW 35.17.110; and repealing section 35.17.115, chapter 7, Laws of 1965 and RCW 35.17.115.

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

New section.

Section 1. There is added to chapter 7, Laws of 1965 and to chapter 35.17 RCW a new section to read as follows:

Commission cities—Salaries—Mayor and commissioners.

The annual salaries of the mayor and the commissioners of any city operating under a commission form of government shall be as fixed by charter or ordinance of said city. The power and authority conferred by this section shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of any such city.

Repeal.

Sec. 2. Section 35.17.110, chapter 7, Laws of 1965 as amended by section 1, chapter 22, Laws of 1965, and RCW 35.17.110, and section 35.17.115, chapter 7, Laws of 1965 and RCW 35.17.115 are each hereby repealed.

Passed the Senate February 17, 1967.

Passed the House March 4, 1967.

Approved by the Governor March 20, 1967.

## CHAPTER 101.

[Senate Bill No. 34.]

PORT DISTRICTS—COLLECTIVE BARGAINING AND  
ARBITRATION.

AN ACT relating to port districts; and providing for collective bargaining between port districts and employee organizations and the arbitration of jurisdictional disputes.

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

Section 1. "Port district" shall mean a municipal corporation of the state of Washington created pursuant to Title 53 of the Revised Code of Washington. Said port districts may also be hereinafter referred to as the "employer."

Port districts—  
Collective bargaining and  
arbitration.  
Definitions.

"Employee" shall include all port employees except managerial, professional, and administrative personnel, and their confidential assistants.

"Employee organization" means any lawful association, labor organization, union, federation, council, or brotherhood, having as its primary purpose the representation of employees on matters of employment relations.

"Employment relations" includes, but is not limited to, matters concerning wages, salaries, hours, vacation, sick leave, holiday pay and grievance procedures.

Sec. 2. Port districts may enter into labor agreements or contracts with employee organizations on matters of employment relations: *Provided*, That nothing in this act shall be construed to authorize any employee, or employee organization to cause or engage in a strike or stoppage of work or slowdown or similar activity against any port district.

Authority—  
Strike prohibition.

Sec. 3. In determining which employee organization will represent them, employees shall have max-

Port districts—  
Collective  
bargaining—  
Determination  
of bargaining  
unit.

imum freedom in exercising their right of self-organization.

Controversies as to the choice of employee organization within a port shall be submitted to arbitration in accordance with RCW 49.08.010. Employee organizations may agree with the port district to independently resolve jurisdictional disputes: *Provided*, That when no other procedure is available the procedures of RCW 49.08.010 shall be followed in resolving such disputes. In such case the director of labor and industries shall, at the request of any employee organization, arbitrate any dispute between employee organizations and enter a binding award in such dispute.

Powers and  
duties of port  
districts in-  
cident thereto.

Sec. 4. Port districts exercising the authority granted by section 2 of this act may take any of the following actions as incidental thereto: Make necessary expenditures; act jointly with other ports or employers; engage technical assistance; make appearances before and utilize the services of state or federal agencies, boards, courts, or commissions; make retroactive payments of wages where provided by agreements; and exercise all other necessary powers to carry this act into effect, including the promulgation of rules and regulations to effectuate the purposes of this act.

Authorized  
provisions of  
labor  
contracts.

Sec. 5. A labor agreement signed by a port district may contain:

(1) Provisions that the employee organization chosen by a majority of the employees in a grouping or unit will be recognized as the representative of all employees in the classification included in such grouping or unit;

(2) Maintenance of membership provisions including dues check-off arrangements; and

(3) Provisions providing for binding arbitration, the expenses being equally borne by the parties, in

matters of contract interpretation and the settlement of jurisdictional disputes.

Sec. 6. No labor agreement or contract entered into by a port district shall:

Prohibited provisions of labor contracts.

(1) Restrict the right of the port district in its discretion to hire;

(2) Limit the right of the port to secure its regular or steady employees from the local community; and

(3) Include within the same agreements: (a) Port security personnel, or (b) port supervisory personnel.

Passed the Senate February 1, 1967.

Passed the House March 4, 1967.

Approved by the Governor March 20, 1967.

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CHAPTER 102.

[Senate Bill No. 621.]

AMENDING SUPPLEMENTAL PAY APPROPRIATION.

AN ACT relating to the supplemental budget enacted by chapter 4, Laws of 1967; amending section 2, chapter 4, Laws of 1967; and declaring an emergency.

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

Section 1. Section 2, chapter 4, Laws of 1967 is amended to read as follows:

Amending section 2, chapter 4, Laws of 1967.

A supplemental budget is hereby adopted and subject to the provision hereinafter set forth for the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the agencies and officers of the state and for other specified purposes for the period

Supplementary budget. Pay appropriation.

Construction  
of act.

from the effective date of this act (February 1, 1967) through June 30, 1967, out of the General Fund of the state.

INSTITUTIONS OF HIGHER LEARNING

For salary adjustments and employee benefits for the classified staff at each institution:

University of Washington.....	\$ 517,998
Washington State University.....	\$ 120,084
Eastern Washington State College.....	\$ 38,655
Central Washington State College.....	\$ 39,494
Western Washington State College.....	\$ 46,204

SUPERINTENDENT OF PUBLIC INSTRUCTION

For distribution to counties for school districts for the sole purpose of increasing salaries of noncertificated employees of school districts, with increases in the amount of \$42.00 per month for full time personnel working nine months or more, and in prorated amounts for personnel employed less than full time, effective as of the date of this act (February 1, 1967): *Provided*, That those employees in classifications which have received pay raises since December 31, 1965, shall receive only the difference between \$42.00 and that pay raise: *Provided further*, That the Superintendent of Public Instruction shall be responsible for assuring that each school district employ its portion of this appropriation exclusively for the purpose of so increasing the salaries of such employees; and: *Provided further*, That any part of this \$2,625,000 appropriation not so exclusively employed shall be distributed by the state Superintendent of Public Instruction equitably among school districts for the purpose of defraying essential costs to the school districts of making such salary increases incurred by OASI, retirement, and other employee benefits and the balance thereafter shall revert to the state general fund on July 1, 1967..... \$2,625,000

DEPARTMENT OF PUBLIC ASSISTANCE

To update grants to recipients . . . . .	\$2,247,043
For nursing homes . . . . .	\$1,268,881
For county hospitals, including \$1,000,000 for King County Hospital; \$250,000 for Pierce County Hospital; and \$2,698 for Clark County Hospital . . . . .	\$1,252,698
For other hospitals . . . . .	\$ 87,750

NOTE: See also section 2, chapter 4, Laws of 1967.

Sec. 2. This amendatory act is deemed to be a continuation of the supplemental budget adopted by chapter 4, Laws of 1967 and the appropriations therein contained, and shall not be construed as a new enactment. The appropriations of moneys herein contained shall not be construed as new or additional appropriations.

Supplemen-  
tary budget.  
Pay appro-  
priations.

The purpose of this amendatory act is to clarify the intention of the legislature that the appropriations made in chapter 4, Laws of 1967 to the Superintendent of Public Instruction are also to be used for the purpose of providing reimbursement for increased costs of employer contributions for OASI, retirement and other employee benefits due to the salary increases authorized therein, and the operative period of this amendatory act shall be the same as the operative period of chapter 4, Laws of 1967.

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.

Emergency.

Passed the Senate March 5, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 20, 1967.

CHAPTER 103.

[Senate Bill No. 491.]

COMMUNITY COLLEGE DEVELOPMENT DISTRICTS.

AN ACT relating to education; providing for the creation of community college development districts; providing for elections; prescribing powers and duties in relation thereto; providing for acquisition of property; appointing directors and prescribing terms of office; providing for special assessments; and adding a new chapter to Title 28 RCW.

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

New chapter.

Section 1. There is added to Title 28 RCW a new chapter as set forth in sections 2 through 13 of this act.

Community college development districts—Authorized—Qualifications.

Sec. 2. Any area served by a community college district which also contains extensive buildings, facilities and property suitable for meeting the needs of the district, which are available to the district because of the closure of a major United States Air Force base formerly used by the strategic air command of the United States Air Force, shall be eligible to become a community college development district (herein “development district” or “district”).

Purpose, proper for assessment purposes.

Sec. 3. Education has long been recognized as a means of advancing not only the cultural standards of the community, but also to raise the economic standards as well. The development of community college facilities located within a reasonable distance of the lands of the development district and designed to meet the economic needs of the development district, has a direct economic benefit to property values of such district, as well as to the people living within the district. Because the philosophy of the community college is directly geared to meet the needs of the community and because of the afore-said special benefit to property, it is proper to allow

the area served by the development district to provide some of the funds needed for development and operation through assessments on property located within the district by means of the petitioning and voting procedures described in this act.

Sec. 4. Whenever fifty of the holders of title to, or of evidence of title to land that could be benefited by the services and facilities, training and information that could be supplied by a development district, desire to organize a development district for any or all of the purposes mentioned in chapter 28.84 RCW, they may propose the organization of a community college development district in the manner provided herein; and when so organized such district shall have all the powers that may now or hereafter be conferred by law.

Organizers—  
Powers upon  
organization.

Sec. 5. A development district may be organized or maintained for any or all of the following purposes:

Purposes for  
which district  
may be  
organized.

(1) To provide funds to help enable any community college located within the district to develop and operate buildings, facilities and property acquired from the United States of America when the federal government has closed down a major United States Air Force base formerly operated by the strategic air command.

(2) The performance of all things necessary to enable the district to exercise the powers herein expressly or impliedly granted.

Sec. 6. For the purpose of organizing a development district, a petition, signed by the required number of holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the proposed district or the greater portion thereof, is situated, which petition shall contain the following:

Petition to  
organize.

Community  
college  
development  
districts—  
Organization  
procedure—  
Hearing—  
Election—  
Boundaries—  
Name.

(1) A description of the lands to be included in the operation of the district, in legal subdivisions or fractions thereof, and the name of the county or counties in which said lands are situated.

(2) The signature and post office address of each petitioner, together with the legal description of the particular lands within the proposed district owned by said respective petitioners.

(3) A general statement of the probable location of the community college facilities, either existing or planned, and a brief outline of the plan of improvements contemplated by the organization of the district.

(4) A statement of the number of directors, either three or five, desired for the administration of the district and of the name by which the petitioners desire the district to be designated.

(5) Any other matter deemed material.

(6) A prayer requesting the board to take the steps necessary to organize the district.

The petition must be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the amount of the probable cost of organizing the district, and conditioned that the bondsmen will pay all of the costs in case such organization shall not be effected. Said petition shall be presented at a regular meeting of the said board, or at any special meeting ordered to consider and act upon said petition, and shall be published once a week, or at least two weeks (three issues) before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county or counties where said petition is to be presented, together with a notice signed by the clerk of the board of county commissioners stating the time of the meeting at which the same will be presented. The board shall, in addition to publishing as provided herein, cause a

copy of the notice to be mailed to the address for each parcel of property located within the district as set forth in the property rolls of each county treasurer's office servicing land within the district. However, failure to receive actual notice shall not exempt any land or property from being included in the district.

In the event that the boundaries of the contemplated development district lie within more than one county, the petition shall be presented in the same manner before the board of county commissioners of each county and the procedures for notice and publication prescribed for one county shall be followed in each county. However, the time of hearing shall be arranged so that the county commissioners from the county which has the smallest area of the proposed district may attend the hearing in the other county, if they should so desire. The said notice, together with a map of the district, shall also be served by registered mail at least thirty days before the said hearing upon the chief educational officer for community colleges at Olympia, Washington, who shall, at the expense of the district in case it is later organized, otherwise at the expense of the petitioners' bondsmen, make such investigation of the proposed plans of the community college development district as he may deem necessary, and file a report of his findings together with a statement of his costs, with the board of county commissioners at or prior to the time or times set for said hearing or hearings.

When the petition is presented, the board of county commissioners of the county containing the largest area of the proposed district shall hear the same, shall receive such evidence as it may deem material, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing shall, if it deems it advisable, establish

Community  
college  
development  
districts—  
Organization  
procedure—  
Hearing—  
Election—  
Boundaries—  
Name.

and define the boundaries of the district along such lines as in the judgment of the board will best benefit the lands involved and enter an order to that effect: *Provided*, That no lands shall be included in the district which in the judgment of the board will not be benefited. At said final hearing, the board shall also give the district a name and shall order that an election be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this act, and for the purpose of electing directors.

The clerk of the board of county commissioners shall then give notice of the election ordered to be held as aforesaid, which notice shall describe the district boundaries as established, and shall give the name by which said proposed district has been designated, and shall state the purposes and objects of said election, and shall be published once a week, for at least two weeks (three issues) prior to said election, in a newspaper of general circulation published in the county or counties where the petition aforesaid was presented; and if any portion of said proposed district lies within another county or counties, then said notice shall be published by the clerk of each board of county commissioners in a newspaper within each of said counties. Said election notice shall also require the electors to cast ballots which shall contain the words "Community College Development District—Yes", and "Community College Development District—No", and also the names of persons to be voted for as directors of the district: *Provided*, That where in this act publication is required to be made in a newspaper of any county, the same may be made in a newspaper of general circulation in such county, selected by the person or body charged with making the publication and such newspaper shall be the official paper for such purpose. After the district boundaries have

been established by the board of county commissioners, the commissioners shall, in addition to publishing as provided herein, cause a copy of the notice to be mailed to the address for each parcel of property located within the proposed district as set forth in the property rolls of each county treasurer's office servicing land within the district. However, failure to receive actual notice shall not exempt any land or property from being included in the district.

Sec. 7. All elections on the question of organizing development districts, whether general or special, for any district purpose and in any county of the state, shall be called, noticed, and conducted in accordance with the laws of the state relating to the elections of the boards of county commissioners except that the following specific requirements as to electors shall determine who shall be eligible to vote.

Election procedure.

If the proposed district boundaries lie in more than one county, the majority of county commissioners in each county may call for a joint election, and thereafter the election shall be called, noticed and conducted and the votes canvassed, jointly.

Sec. 8. Any question as to the formation of a district, or the election of directors, or any other question brought up for a vote, shall be decided by a majority vote of the electors actually casting their ballots at the time of the election.

Election—  
Determination  
of results.

Sec. 9. The development district shall continue for four years if voted into existence by a majority of the electors in the proposed boundaries. After four years, the county auditors in the county or counties who conducted the first election shall call and conduct new elections and shall give notice by publishing and mailing a notice of election as was done for the original election. If the electors then vote against continuance of the district, the district

Duration of  
districts—  
Election to  
continue or  
abolish—  
Procedure,  
notice.

shall be abolished. If a majority of the electors vote for continued existence of the district, the district shall continue indefinitely with all of its rights, duties, and powers, unless abolished at an election called, noticed, and conducted as the organizational election.

Community  
college  
development  
districts—  
Elections—  
Persons en-  
titled to vote—  
Conduct—  
Auditor,  
compensation.

Sec. 10. Only owners of real property shall be entitled to vote. The owner shall be deemed to be the person who has, or is acquiring title to real property located in the district, and who would be required to pay any assessments levied, to avoid losing his title to the property. Owners of property shall be entitled to register with the county auditor of the county or counties having land included in the petition for organization, or, for later voting, shall have land within the district. The county auditor or auditors shall open the registration books sixty days prior to the date of any election called by the county commissioners, or later, by the directors of the district, once the district is formed. The county auditor or auditors shall keep the registration books open during regular business hours for a period of thirty days and close said books at least twenty-eight days prior to the date of the election. Each person registering as an elector eligible to vote in any district election shall bring some evidence of title of land owned, and including a description of the property owned. The county auditor shall note the name and land described and cause the person registering to sign an oath that he has, or is, acquiring title to said described real estate and is entitled to vote thereon. The county auditor shall be entitled to rely on the sworn information provided, without checking the chain of title. The person so registering shall be entitled to vote at the election called for the organization of a development district. A like registration shall be held at any future election called for such purpose. The county auditor shall conduct any

such election and shall be given reasonable compensation for his, or their, services by the bondsmen, or the district, if it is formed.

Sec. 11. The directors of the development district shall be the same as the directors of any community college district which may be formed within all or any part of the land included in the development district. The directors shall retain all prior rights and authority heretofore granted to them, or hereafter granted to them, as directors of the community college district, under any law of the state of Washington now passed, or passed in the future. The directors of the development district shall also have the authority to build, repair, improve, replace, and operate any buildings, facilities or equipment located on land acquired from the United States government and which had formerly been used as a United States Air Force base by the strategic air command of the United States Air Force. In particular, the directors shall be enabled to use said buildings, property, and facilities, for classrooms, dormitories, eating facilities, and any other purpose suitable for carrying out the development district's program.

**Directors—  
Powers and  
duties.**

Sec. 12. The directors of the development district shall be empowered to specially assess land located in the district for the benefits thereto, taking as a base the last equalized assessment for county purposes: *Provided*, That such assessment shall not exceed one mill upon said assessed valuation without securing authorization by vote of the electors of the district in an election held for that purpose. The directors shall give notice of such an election, for the time and in the manner and form provided, for development district elections. The manner of conducting the voting at such an election, opening and closing the polls, canvassing the votes, certifying the

**Special  
assessments,  
limitation on—  
Collection—  
Excess levies,  
election.**

returns, and declaring the results, shall be the same as the elections for the board of county commissioners, except as specifically modified by law.

The special assessment provided for herein shall be due and payable at such time and in such amounts as designated by the district directors, which designation shall be made to the county auditor in writing, and the amount so designated shall be added to the general taxes and entered upon the assessment rolls in his office and collected therewith.

**Emergency.**

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.

**Construction.**

Sec. 14. Nothing in this act shall be construed as causing a community college district to become a taxing district or a municipal corporation, and nothing herein shall be construed to allow any contractual agreements which would prevent any change in the boundaries of any community college district.

Passed the Senate March 1, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 20, 1967.

## CHAPTER 104.

[Senate Bill No. 284.]

## SEXUAL PSYCHOPATHS.

AN ACT relating to sexual psychopaths; and amending section 71.06.030, chapter 25, Laws of 1959 and RCW 71.06.030; amending section 71.06.060, chapter 25, Laws of 1959 and RCW 71.06.060; amending section 71.06.100, chapter 25, Laws of 1959 and RCW 71.06.100; amending section 71.06.130, chapter 25, Laws of 1959 and RCW 71.06.130; amending section 71.06.140, chapter 25, Laws of 1959 and RCW 71.06.140; adding a new section to chapter 25, Laws of 1959 and to chapter 71.06 RCW; repealing section 71.06.090, chapter 25, Laws of 1959 and RCW 71.06.090; and repealing section 71.06.110, chapter 25, Laws of 1959 and RCW 71.06.110.

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

Section 1. Section 71.06.030, chapter 25, Laws of 1959 and RCW 71.06.030 are each amended to read as follows:

RCW 71.06.030  
amended.

The court shall proceed to hear the criminal charge. If the defendant is convicted or has previously pleaded guilty to such charge, judgment shall be pronounced, but the execution of the sentence may be deferred or suspended, as in other criminal cases, and the court shall then proceed to hear and determine the allegation of sexual psychopathy. Acquittal on the criminal charge shall not operate to suspend the hearing on the allegation of sexual psychopathy: *Provided*, That the provisions of section 6 of this 1967 amendatory act authorizing transfer of a committed sexual psychopath to a correctional institution shall not apply to the committed sexual psychopath who has been acquitted on the criminal charge.

Sexual psychopaths and psychopathic delinquents. Procedure on petition—Effect of acquittal on criminal charge.

Sec. 2. Section 71.06.060, chapter 25, Laws of 1959 and RCW 71.06.060 are each amended to read as follows:

RCW 71.06.060  
amended.

Sexual psychopaths and psychopathic delinquents—Preliminary hearing—Commitment, or other disposition of charge.

After the superintendent's report has been filed, the court shall determine whether or not the defendant is a sexual psychopath. If said defendant is found to be a sexual psychopath, the court shall commit him to the director of the department of institutions for designation of the facility for detention, care, and treatment of the sexual psychopath. If the defendant is found not to be a sexual psychopath, the court shall order the sentence to be executed, or may discharge the defendant as the case may merit.

New section.

Sec. 3. There is added to chapter 25, Laws of 1959 and to chapter 71.06 RCW a new section to read as follows:

Post commitment proceedings, releases, and further dispositions.

A sexual psychopath committed pursuant to RCW 71.06.060 shall be retained by the superintendent of the institution involved until in the superintendent's opinion he is safe to be at large, or until he has received the maximum benefit of treatment, or is not amenable to treatment, but the superintendent is unable to render an opinion that he is safe to be at large. Thereupon, the superintendent of the institution involved shall so inform whatever court committed the sexual psychopath. The court then may order such further examination and investigation of such person as seems necessary, and may at its discretion, summon such person before it for further hearing, together with any witnesses whose testimony may be pertinent, and together with any relevant documents and other evidence. On the basis of such reports, investigation, and possible hearing, the court shall determine whether the person before it shall be released unconditionally from custody as a sexual psychopath, released conditionally, returned to the custody of the institution as a sexual psychopath, or returned to the department of institutions to serve the original sentence imposed upon him. The power of the court to grant conditional

release for any such person before it shall be the same as its power to grant, amend and revoke probation as provided by chapter 9.95 RCW. When the sexual psychopath has entered upon the conditional release, the state board of prison terms and paroles shall supervise such person pursuant to the terms and conditions of the conditional release, as set by the court: *Provided*, That the superintendent of the institution involved shall never release the sexual psychopath from custody without a court release as herein set forth.

Sec. 4. Section 71.06.100, chapter 25, Laws of 1959 and RCW 71.06.100 are each amended to read as follows:

RCW 71.06.100 amended.

Where under section 3 of this 1967 amendatory act the superintendent renders his opinion to the committing court, he shall provide the committing court, and, in the event of conditional release, the Washington state board of prison terms and paroles, with a copy of the hospital medical record concerning the sexual psychopath.

Hospital records.

Sec. 5. Section 71.06.130, chapter 25, Laws of 1959 and RCW 71.06.130 are each amended to read as follows:

RCW 71.06.130 amended.

Where a sexual psychopath has been conditionally released by the committing court, as provided by section 3 of this 1967 amendatory act for a period of five years, the court shall review his record and when the court is satisfied that the sexual psychopath is safe to be at large, said sexual psychopath shall be discharged.

Discharge pursuant to conditional release.

Sec. 6. Section 71.06.140, chapter 25, Laws of 1959 and RCW 71.06.140 are each amended to read as follows:

RCW 71.06.140 amended.

The department may designate one or more state hospitals for the care and treatment of sexual psychopaths: *Provided*, That a committed sexual psy-

State hospitals  
for sexual  
psychopaths—  
Transfers to  
correctional  
institutions—  
Examinations,  
reports.

chopath who has been determined by the superintendent of such mental hospital to be a custodial risk, or a hazard to other patients may be transferred by the director of the department of institutions to one of the correctional institutions within the department of institutions which has psychiatric care facilities. A committed sexual psychopath who has been transferred to a correctional institution shall be observed and treated at the psychiatric facilities provided by the correctional institution. A complete psychiatric examination shall be given to each sexual psychopath so transferred at least twice annually. The examinations may be conducted at the correctional institution or at one of the mental hospitals. The examiners shall report in writing the results of said examinations, including recommendations as to future treatment and custody, to the superintendent of the mental hospital from which the sexual psychopath was transferred, and to the committing court, with copies of such reports and recommendations to the superintendent of the correctional institution.

Repeal.

Sec. 7. Section 71.06.090, chapter 25, Laws of 1959 and RCW 71.06.090, and section 71.06.110, chapter 25, Laws of 1959 and RCW 71.06.110 are each repealed.

Passed the Senate March 5, 1967.

Passed the House March 4, 1967.

Approved by the Governor March 20, 1967.

## CHAPTER 105.

[Senate Bill No. 168.]

## METROPOLITAN MUNICIPAL CORPORATIONS.

AN ACT relating to metropolitan municipal corporations; amending sections 35.58.040, 35.58.100, 35.58.120, 35.58.140, 35.58.150, 35.58.180, 35.58.240, 35.58.270, 35.58.450, 35.58.460 and 35.58.530, chapter 7, Laws of 1965 and RCW 35.58.040, 35.58.100, 35.58.120, 35.58.140, 35.58.150, 35.58.180, 35.58.240, 35.58.270, 35.58.450, 35.58.460 and 35.58.530; and adding new sections to chapter 7, Laws of 1965 and to chapter 35.58 RCW; validating prior proceedings; and declaring an emergency.

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

Section 1. Section 35.58.040, chapter 7, Laws of 1965 and RCW 35.58.040 are each amended to read as follows:

RCW 35.58.040 amended.

At the time of its formation no metropolitan municipal corporation shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such corporation. If subsequent to the formation of a metropolitan municipal corporation a part only of any city shall be included within the boundaries of a metropolitan municipal corporation such part shall be deemed to be "unincorporated" for the purpose of selecting a member of the metropolitan council pursuant to subsection 2 of section 3 of this 1967 amendatory act and such city shall neither select nor participate in the selection of a member on the metropolitan council pursuant to section 3 of this 1967 amendatory act.

Metropolitan municipal corporations. Territory which must be included or excluded.

Sec. 2. Section 35.58.100, chapter 7, Laws of 1965 and RCW 35.58.100 are each amended to read as follows:

RCW 35.58.100 amended.

A metropolitan municipal corporation may be authorized to perform one or more metropolitan functions in addition to those which it has pre-

Metropolitan  
municipal  
corporations—  
Additional  
functions—  
Authorized by  
election.

viously been authorized to perform, with the approval of the voters at an election, in the manner provided in this section.

An election to authorize a metropolitan municipal corporation to perform one or more additional metropolitan functions may be called pursuant to a resolution or a petition in the following manner:

(1) A resolution calling for such an election may be adopted by:

(a) The city council of the central city; or

(b) The city councils of at least one-half in number of the component cities other than the central city; or

(c) The board of commissioners of the central county. Such resolution shall be transmitted to the metropolitan council.

(2) A petition calling for such an election shall be signed by at least four percent of the registered voters residing within the metropolitan area and shall be filed with the auditor of the central county.

Any resolution or petition calling for such an election shall name the additional metropolitan functions which the metropolitan municipal corporation shall be authorized to perform.

Upon receipt of such a petition, the auditor shall examine the signatures thereon and certify to the sufficiency thereof. For the purpose of examining the signatures on such petition, the auditor shall be permitted access to all voter registration books of any component county and of all component cities. No person may withdraw his name from a petition after it has been filed with the auditor. Within thirty days following the receipt of such petition, the auditor shall transmit the same to the metropolitan council, together with his certificate as to the sufficiency of signatures thereon.

Upon receipt of a valid resolution or duly certified petition calling for an election on the authori-

zation of the performance of one or more additional metropolitan functions, the metropolitan council shall cause to be called a special election to be held not more than one hundred and twenty days nor less than sixty days following such receipt. Such special election shall be conducted and canvassed as provided in this chapter for an election on the question of forming a metropolitan municipal corporation. The ballot proposition shall be in substantially the following form:

“Shall the .....metropolitan municipal corporation be authorized to perform the additional metropolitan functions of ..... (here insert the title of each of the additional functions to be authorized as set forth in the petition or resolution)?

YES .....   
 NO .....

If a majority of the persons voting on the proposition shall vote in favor thereof, the metropolitan municipal corporation shall be authorized to perform such additional metropolitan function or functions.

Sec. 3. Section 35.58.120, chapter 7, Laws of 1965 and RCW 35.58.120 are each amended to read as follows:

RCW 35.58.120 amended.

A metropolitan municipal corporation shall be governed by a metropolitan council composed of the following:

Metropolitan municipal corporations—  
 Metropolitan council—  
 Composition—  
 Chairman.

(1) One member selected by, and from, the board of commissioners of the central county;

(2) One additional member selected by the board of commissioners of each component county for each county commissioner district containing ten thousand or more persons residing in the unincorporated portion of such commissioner district lying within the metropolitan municipal corporation who

Metropolitan  
municipal  
corporations—  
Metropolitan  
council—  
Composition—  
Chairman.

shall be either the county commissioner from such district or a resident of such unincorporated portion.

(3) One member from each of the six largest component cities 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.

(4) One member representing all component cities other than the six largest cities to be selected by and from the mayors of such smaller cities in the following manner: The mayors of all such cities shall meet on the second Tuesday following the establishment of a metropolitan municipal corporation and thereafter on the third Tuesday in June of each even-numbered year at two o'clock p.m. at the office of the board of county commissioners of the central county. The chairman of such board shall preside. After nominations are made, successive ballots shall be taken until one candidate receives a majority of all votes cast.

(5) One additional member selected by the city council of each component city containing a population of ten thousand or more for each sixty thousand population over and above the first ten thousand, such members to be selected from such city council until all councilmen are members and thereafter to be selected from other elected officers of such city.

(6) One member, who shall be chairman of the metropolitan council, selected by the other members of the council. He shall not hold any public office of or be an employee of any component city or component county of the metropolitan municipal corporation.

Sec. 4. Section 35.58.140, chapter 7, Laws of 1965 and RCW 35.58.140 are each amended to read as follows:

RCW 35.58.140  
amended.

Each member of a metropolitan council except those selected under the provisions of RCW 35.58.120 (4) and (6), shall hold office at the pleasure of the body which selected him. Each member, who shall hold office ex officio, may not hold office after he ceases to hold the position of mayor, commissioner, or councilman. The chairman shall hold office until the second Tuesday in July of each even-numbered year and may, if reelected, serve more than one term. Each member shall hold office until his successor has been selected as provided in this chapter.

Metropolitan  
council—  
Terms.

Sec. 5. Section 35.58.150, chapter 7, Laws of 1965 and RCW 35.58.150 are each amended to read as follows:

RCW 35.58.150  
amended.

A vacancy in the office of a member of the metropolitan council shall be filled in the same manner as provided for the original selection. The meeting of mayors to fill a vacancy of the member selected under the provisions of RCW 35.58.120 (4) shall be held at such time and place as shall be designated by the chairman of the metropolitan council after ten days' written notice mailed to the mayors of each of the cities specified in RCW 35.58.120 (4).

Metropolitan  
council—  
Vacancies.

Sec. 6. Section 35.58.180, chapter 7, Laws of 1965 and RCW 35.58.180 are each amended to read as follows:

RCW 35.58.180  
amended.

In addition to the powers specifically granted by this chapter a metropolitan municipal corporation shall have all powers which are necessary to carry out the purposes of the metropolitan municipal corporation and to perform authorized metropolitan functions. A metropolitan municipal corporation may contract with the United States or any agency thereof, any state or agency thereof, any other metropolitan municipal corporation, any county, city, special district, or governmental agency and any

Metropolitan  
municipal  
corporation—  
General  
powers.

Metropolitan  
municipal  
corporation—  
General  
Powers.

private person, firm or corporation for the purpose of receiving gifts or grants or securing loans or advances for preliminary planning and feasibility studies, or for the design, construction or operation of metropolitan facilities and a metropolitan municipal corporation may contract with any governmental agency or with any private person, firm or corporation for the use by either contracting party of all or any part of the facilities, structures, lands, interests in lands, air rights over lands and rights of way of all kinds which are owned, leased or held by the other party and for the purpose of planning, constructing or operating any facility or performing any service which the metropolitan municipal corporation may be authorized to operate or perform, on such terms as may be agreed upon by the contracting parties: *Provided*, That before any contract for the lease or operation of any metropolitan public transportation facilities shall be let to any private person, firm or corporation, competitive bids shall first be called upon such notice, bidder qualifications and bid conditions as the metropolitan council shall determine.

A metropolitan municipal corporation may sue and be sued in its corporate capacity in all courts and in all proceedings.

New section.

Sec. 7. There is added to chapter 7, Laws of 1965 and to chapter 35.58 RCW a new section to read as follows:

Comprehen-  
sive plans—  
Studies.

The metropolitan council of a metropolitan municipal corporation upon the affirmative vote of two-thirds of the members of such council may make planning, engineering, legal, financial and feasibility studies preliminary to or incident to the preparation of a recommended comprehensive plan for any metropolitan function, and may prepare such a recommended comprehensive plan before the metropolitan municipal corporation has been au-

thorized to perform such function. The studies and plan may cover territory within and without the metropolitan municipal corporation. A recommended comprehensive plan prepared pursuant to this section for any metropolitan function may not be adopted by the metropolitan council unless the metropolitan municipal corporation shall have been authorized to perform such function.

Sec. 8. There is added to chapter 7, Laws of 1965 and to chapter 35.58 RCW a new section to read as follows:

New section.

Whenever a recommended comprehensive plan for the performance of any additional metropolitan function shall have been prepared and the metropolitan council shall have found the plan to be feasible the council may by resolution call a special election to authorize the performance of such additional function without the filing of the petitions or resolutions provided for in section 2 of this 1967 amendatory act.

Metropolitan  
municipal  
corporations—  
Additional  
functions—  
Alternate  
procedure—  
Election proce-  
dure. General  
obligation  
bonds.

If the metropolitan council shall determine that the performance of such function requires enlargement of the metropolitan area, such resolution shall contain a description of the boundaries of the proposed metropolitan area and may be adopted only after a public hearing thereon before the council. Notice of such hearing shall be published once a week for at least two consecutive weeks in one or more newspapers of general circulation within the proposed metropolitan area. The notice shall contain a description of the boundaries of the proposed metropolitan area, shall name the additional function or functions to be performed and shall state the time and place of the hearing and the fact that any changes in the boundaries of the proposed metropolitan area will be considered at such time and place. At such hearing any interested person may appear and be heard. The council may make such changes

Metropolitan  
municipal  
corporations—  
Additional  
functions—  
Alternate  
procedure—  
Election proce-  
dure. General  
obligation  
bonds.

in the proposed metropolitan area as they shall deem reasonable and proper, but may not delete any portion of the existing metropolitan area and may not delete any portion of the proposed additional area which will create an island of included or excluded lands. If the council shall determine that the proposed additional area should be further enlarged, a second hearing shall be held and notice given in the same manner as for the original hearing. The council may adjourn the hearing or hearings from time to time.

Following the conclusion of such hearing or hearings the council may adopt a resolution fixing the boundaries of the proposed metropolitan area and calling a special election on the performance of such additional function. If the metropolitan municipal corporation is then authorized to perform the function of metropolitan sewage disposal the council may provide in such resolution that local governmental agencies collecting sewage from areas outside the metropolitan area as same is constituted on the date of adoption of such resolution will not thereafter be required to discharge such sewage into the metropolitan sewer system or to secure approval of local construction plans from the metropolitan municipal corporation unless such local agency shall first have entered into a contract with the metropolitan municipal corporation for the disposal of such sewage. The metropolitan council may also provide in such resolution that the authorization to perform such additional function be effective only if the voters at such election also authorize the issuance of any general obligation bonds required to carry out the recommended comprehensive plan.

The resolution calling such election shall fix the form of the ballot proposition and the same may vary from that specified in section 2 of this 1967 amendatory act. If the metropolitan council shall

find that the issuance of general obligation bonds is necessary to perform such additional function and to carry out such recommended comprehensive plan then the ballot proposition shall set forth the principal amount of such bonds and the maximum maturity thereof and the proposition shall be so worded that the voters may by a single yes or no vote authorize the performance of the designated function in the area described in the resolution and the issuance of such general obligation bonds.

The persons voting at such election shall be all of the qualified voters who have resided within the boundaries of the proposed metropolitan area for at least thirty days preceding the date of the election. The election shall be conducted and canvassed as provided in RCW 35.58.090.

If the resolution calling such election does not require the approval of general obligation bonds as a condition of the performance of such additional function and if a majority of the persons voting on the ballot proposition residing within the existing metropolitan municipal corporation shall vote in favor thereof and a majority of the persons residing within the area proposed to be added to the existing metropolitan municipal corporation shall vote in favor thereof the boundaries described in the resolution calling the election shall become the boundaries of the metropolitan municipal corporation and the metropolitan municipal corporation shall be authorized to perform the additional function described in the proposition.

If the resolution calling such election shall require the authorization of general obligation bonds as a condition of the performance of such additional function, then to be effective the ballot proposition must be approved as provided in the preceding paragraph and must also be approved by at least three-fifths of the persons voting thereon and the

number of persons voting on such proposition must constitute not less than forty percent of the total number of votes cast within such area at the last preceding state general election.

New section.

Sec. 9. There is added to chapter 7, Laws of 1965 and to chapter 35.58 RCW a new section to read as follows:

Metropolitan  
municipal  
corporations—  
Additional  
functions—  
Alternate  
method—  
Election—  
Proposition to  
issue general  
obligation  
bonds.

The metropolitan council may at the same election called to authorize the performance of an additional function or at a special election called by the council after it has been authorized to perform any metropolitan function submit a proposition for the issuance of general obligation bonds for capital purposes as provided in section 13 of this 1967 amendatory act or a proposition for the levy of a general tax for any authorized purpose for one year in such total dollar amount as the metropolitan council may determine and specify in such proposition. Any such proposition to be effective must be assented to by at least three-fifths of the persons voting thereon and the number of persons voting on such proposition shall constitute not less than forty percent of the total number of votes cast within the metropolitan area at the last preceding state general election. Any such proposition shall only be effective if the performance of the additional function shall be authorized at such election or shall have been authorized prior thereto.

New section.

Sec. 10. There is added to chapter 7, Laws of 1965 and to chapter 35.58 RCW a new section to read as follows:

The metropolitan council may at an election held to authorize the performance of the function of metropolitan public transportation submit to the voters the proposition of whether the metropolitan transportation function shall be performed with an appointed commission pursuant to section 12 of this

1967 amendatory act or by the metropolitan council without the appointment of such a commission. If such a proposition is not submitted and the municipality is authorized to perform the function of metropolitan transportation a commission shall be appointed in the manner and with the powers and duties provided in section 12 of this 1967 amendatory act. If such a proposition is submitted it shall be in substantially the following form:

Additional function—Administration—Election to select.

“If the . . . . (here insert name of metropolitan municipal corporation) . . . . is authorized to perform the function of metropolitan public transportation shall this function be performed by a seven-member appointed commission as provided in RCW 35.58.270 or shall this function be performed by the metropolitan council without the appointment of such commission?

FOR COMMISSION MANAGEMENT..   
 FOR COUNCIL MANAGEMENT..... 

Sec. 11. Section 35.58.240, chapter 7, Laws of 1965 and RCW 35.58.240 are each amended to read as follows:

RCW 35.58.240 amended.

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan transportation, it shall have the following powers in addition to the general powers granted by this chapter:

Metropolitan municipal corporations—Powers relative to transportation.

(1) To prepare, adopt and carry out a general comprehensive plan for public transportation service which will best serve the residents of the metropolitan area and to amend said plan from time to time to meet changed conditions and requirements.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan transportation facilities and properties within or without the metropolitan area,

Metropolitan  
municipal  
corporations—  
Powers rela-  
tive to trans-  
portation.

including systems of surface, underground or over-head railways, tramways, buses, or any other means of local transportation except taxis, and including passenger terminal and parking facilities and properties and such other facilities and properties as may be necessary for passenger and vehicular access to and from such terminal and parking facilities and properties, together with all lands, rights of way, property, equipment and accessories necessary for such systems and facilities. Public transportation facilities and properties which are owned by any city may be acquired or used by the metropolitan municipal corporation only with the consent of the city council of the city owning such facilities. Cities are hereby authorized to convey or lease such facilities to metropolitan corporations or to contract for their joint use on such terms as may be fixed by agreement between the city council of such city and the metropolitan council, without submitting the matter to the voters of such city.

(3) To fix rates and charges for the use of such facilities.

RCW 35.58.270  
amended.

Sec. 12. Section 35.58.270, chapter 7, Laws of 1965 and RCW 35.58.270 are each amended to read as follows:

Metropolitan  
transit  
commission.

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan transportation with a commission form of management, a metropolitan transit commission shall be formed prior to the effective date of the assumption of such function. Except as provided in this section, the metropolitan transit commission shall exercise all powers of the metropolitan municipal corporation with respect to metropolitan transportation facilities, including but not limited to the power to construct, acquire, maintain, operate, extend, alter, repair, control and manage a local public transportation system within and without the metropolitan

area, to establish new passenger transportation services and to alter, curtail, or abolish any services as the commission may deem desirable and to fix tolls and fares.

The comprehensive plan for public transportation service and any amendments thereof shall be adopted by the metropolitan council and the metropolitan transit commission shall provide transportation facilities and service consistent with such plan. The metropolitan transit commission shall authorize expenditures for transportation purposes within the budget adopted by the metropolitan council. Tolls and fares may be fixed or altered by the commission only after approval thereof by the metropolitan council. Bonds of the metropolitan municipal corporation for public transportation purposes shall be issued by the metropolitan council as provided in this chapter.

The metropolitan transit commission shall consist of seven members. Six of such members shall be appointed by the metropolitan council and the seventh member shall be the chairman of the metropolitan council who shall be ex officio the chairman of the metropolitan transit commission. Three of the six appointed members of the commission shall be residents of the central city and three shall be residents of the metropolitan area outside of the central city. The three central city members of the first metropolitan transit commission shall be selected from the existing transit commission of the central city, if there be a transit commission in such city. The terms of first appointees shall be for one, two, three, four, five and six years, respectively. Thereafter, commissioners shall serve for a term of four years. Compensation of transit commissioners shall be determined by the metropolitan council.

RCW 35.58.450  
amended.

Sec. 13. Section 35.58.450, chapter 7, Laws of 1965 and RCW 35.58.450 are each amended to read as follows:

Metropolitan  
municipal  
corporations—  
General obli-  
gation bonds—  
Issuance, sale  
form, terms,  
election, pay-  
ment. Limita-  
tion on indebt-  
edness.

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 such bonds 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 actual value of the taxable property therein to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness. Both principal of and interest on such general obligation bonds shall be payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the forty mill tax limit and may also be made payable 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. 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 bear interest at a rate of not to exceed six percent per annum 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 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 thereon. Each of the 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 at a price not less than par and accrued interest.

Sec. 14. Section 35.58.460, chapter 7, Laws of 1965 and RCW 35.58.460 are each amended to read as follows:

RCW 35.58.460  
amended.

A metropolitan municipal corporation may issue revenue bonds to provide funds to carry out its authorized metropolitan sewage disposal, water supply, garbage disposal or transportation purposes,

Metropolitan  
municipal  
corporations—  
Revenue bonds—  
—Issuance,  
sale, term,  
form, election,  
payment.

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. 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.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the holders 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, 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 thereon; each of the

interest coupons shall be signed by the facsimile signatures of said officials.

Such revenue bonds shall be sold in such manner as the metropolitan council shall deem to be for the best interests of the metropolitan municipal corporation, either at public or private sale. The aggregate interest cost to maturity of the money received for such revenue bonds shall not exceed seven percent per annum.

The metropolitan council may at the time of the issuance of such revenue bonds make such covenants with the purchasers and holders 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 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 the best interest of the metropolitan municipal corporation, provide in any contract for the construction or ac-

Metropolitan municipal corporations—Revenue bonds—Issuance, sale, term, form, election, payment.

quisition 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 of any such bond may bring action against the metropolitan municipal corporation and compel the performance of any or all of such covenants.

RCW 35.58.530 amended.

Sec. 15. Section 35.58.530, chapter 7, Laws of 1965 and RCW 35.58.530 are each amended to read as follows:

Annexation—Requirement—Procedure.

Territory annexed to a component city after the establishment of a metropolitan municipal corporation shall by such act be annexed to such corporation. Territory within a metropolitan municipal corporation may be annexed to a city which is not within such metropolitan municipal corporation in the manner provided by law and in such event either (1) such city may be annexed to such metropolitan municipal corporation by ordinance of the legislative body of the city concurred in by resolution of the metropolitan council, or (2) if such city shall not be so annexed such territory shall remain within the metropolitan municipal corporation unless such city shall by resolution of its legislative body request the withdrawal of such territory subject to any outstanding indebtedness of the metropolitan corporation and the metropolitan council shall by resolution consent to such withdrawal.

Any other territory adjacent to a metropolitan municipal corporation may be annexed thereto by vote of the qualified electors residing in the territory to be annexed, in the manner provided in this chapter. An election to annex such territory may be

called pursuant to a petition or resolution in the following manner:

(1) A petition calling for such an election shall be signed by at least four percent of the qualified voters residing within the territory to be annexed and shall be filed with the auditor of the central county.

(2) A resolution calling for such an election may be adopted by the metropolitan council.

Any resolution or petition calling for such an election shall describe the boundaries of the territory to be annexed, and state that the annexation of such territory to the metropolitan municipal corporation will be conducive to the welfare and benefit of the persons or property within the metropolitan municipal corporation and within the territory proposed to be annexed.

Upon receipt of such a petition, the auditor shall examine the same and certify to the sufficiency of the signatures thereon. For the purpose of examining the signatures on such petition, the auditor shall be permitted access to the voter registration books of each city within the territory proposed to be annexed and of each county a portion of which shall be located within the territory proposed to be annexed. No person may withdraw his name from a petition after it has been filed with the auditor. Within thirty days following the receipt of such petition, the auditor shall transmit the same to the metropolitan council, together with his certificate as to the sufficiency thereof.

Sec. 16. There is added to chapter 7, Laws of 1965 and to chapter 35.58 RCW a new section to read as follows: New section.

No county or city shall have the right to impose a tax upon the gross revenues derived by a metropolitan municipal corporation from the operation of

Metropolitan  
municipal  
corporations—  
Tax exemp-  
tions and off-  
sets—Sewage  
disposal, water  
supply, gar-  
bage disposal  
or public  
transportation  
functions.

a metropolitan sewage disposal, water supply, garbage disposal or public transportation system.

A metropolitan municipal corporation may credit or offset against the amount of any tax which is levied by the state during any calendar year upon the gross revenues derived by such metropolitan municipal corporation from the performance of any authorized function, the amount of any expenditures made from such gross revenues by such metropolitan municipal corporation during the same calendar year in planning for or performing the function of metropolitan public transportation and to the extent of such credit a metropolitan municipal corporation may expend such revenues for such purposes.

A metropolitan municipal corporation authorized to perform the function of metropolitan public transportation and engaged in the operation of an urban passenger transportation system shall receive a refund of the amount of the motor vehicle fuel tax levied by the state and paid on each gallon of motor vehicle fuel used, whether such 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 such tax to the price of such fuel: *Provided*, That no refunds authorized by this section shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than six road miles beyond the corporate limits of the metropolitan municipal corporation in which said trip originated.

Ratification  
and validation  
of prior acts.

Sec. 17. All proceedings which have been taken prior to the date this 1967 amendatory act takes effect for the purpose of financing or aiding in the financing of any work, undertaking or project by any metropolitan municipal corporation, including all proceedings for the authorization and issuance of bonds and for the sale, execution, and delivery thereof, are hereby validated, ratified, approved, and

confirmed, notwithstanding any lack of power (other than constitutional) of such metropolitan municipal corporation or the governing body or officers thereof, to authorize and issue such bonds, or to sell, execute, or deliver the same and notwithstanding any defects or irregularities (other than constitutional) in such proceedings.

Sec. 18. If any provision of this 1967 amendatory act, or its application to any person or circumstances is held invalid, the remainder of this 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected. Severability.

Sec. 19. This 1967 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the Senate February 21, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 106.

[Substitute Senate Bill No. 405.]

BONDS—WATER POLLUTION CONTROL FACILITIES.

AN ACT relating to state government and the support thereof; authorizing the issuance and sale of state general obligation bonds to assist public bodies in the construction and improvement of water pollution control facilities; providing ways and means to pay said bonds; making an appropriation; and providing for submission of this act to a vote of the people.

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

Water pollution control facilities—  
State bonds.  
Authority to issue.

Section 1. For the purpose of providing state matching funds to assist public bodies in the construction and improvement of water pollution control facilities the state finance committee is hereby authorized to issue any time prior to January 1, 1971 general obligation bonds of the state of Washington in the sum of twenty-five million dollars to be paid and discharged within twenty years of the date of issuance.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: *Provided*, That none of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of six percent per annum.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the interest and principal when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

Sec. 2. The pollution control commission is authorized to make and administer grants to any public bodies for the purpose of aiding in the construction and improvement of water pollution control facilities in conjunction with federal grants authorized pursuant to the Federal Water Pollution Control Act.

State grants  
for water pol-  
lution control.

Sec. 3. The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which the state finance committee may direct the state treasurer to deposit therein shall be deposited in the water pollution control facilities account hereby created in the state general fund, and shall be administered by the pollution control commission under the authority granted by section 2 of this act.

Bond proceeds  
deposited.

Sec. 4. The water pollution control facilities bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. 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 on July 1st of each year the state treasurer shall deposit such amount in said water pollution control facilities redemption fund from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission 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, except that portion thereof heretofore pledged for the payment of bond principal and interest.

Water pollu-  
tion control  
facilities bond  
redemption  
fund—Creation  
—Sales taxes,  
pledge to re-  
pay bonds.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus

or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Water pollution control facilities bonds—Additional sources of funds.

Sec. 5. The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this shall not be deemed to provide an exclusive method for such payment.

Bonds are legal investment.

Sec. 6. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

Appropriation, after effective date of act.

Sec. 7. There is appropriated to the pollution control commission from the water pollution control facilities account for the period from the effective date of this act through June 30, 1969, the sum of nine million dollars. The pollution control commission shall request from the 1969 legislature an appropriation from the water pollution control facilities account in an amount necessary to carry out the grant program of this act.

Definitions.

Sec. 8. For the purposes of this act the terms:

(1) "Water pollution control facilities" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof;

(2) "Public bodies" means municipal or public corporations, counties, or departments or agencies of state government.

Referendum.

Sec. 9. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next general election to be held in this state in accordance with the provisions of section 3, Article

VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof.

Passed the Senate February 24, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 107.

[Senate Bill No. 270.]

### LOCAL GOVERNMENT INDEBTEDNESS.

AN ACT relating to local government and permitting certain indebtedness for taxing districts, political subdivisions or municipal or quasi municipal corporations; amending section 35.92.080, chapter 7, Laws of 1965 and RCW 35.92.080; amending sections 36.67.020 and 36.67.040, chapter 4, Laws of 1963 and RCW 36.67.020 and 36.67.040; amending section 1, chapter 143, Laws of 1917 as last amended by section 1, chapter 227, Laws of 1959 and RCW 39.36.020; amending section 5, chapter 151, Laws of 1923 and RCW 39.44.070; and repealing section 35.37.080, chapter 7, Laws of 1965 and RCW 35.37.080.

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

Section 1. Section 35.92.080, chapter 7, Laws of 1965 and RCW 35.92.080 are each amended to read as follows:

RCW 35.92.080 amended.

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 or coupon bonds; numbered from one up consecutively; bear the date of their issue; and bear interest not exceeding six percent per year, 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

Cities and towns. Municipal utilities. Limit of indebtedness.

Cities and towns. Municipal utilities. Limit of indebtedness.

39.44.100, the bonds and each 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.

RCW 36.67.020 amended.

Sec. 2. Section 36.67.020, chapter 4, Laws of 1963 and RCW 36.67.020 are each amended to read as follows:

Counties. Limitation of indebtedness.

A county may contract indebtedness for strictly county purposes in excess of the amount named in RCW 36.67.010, but not exceeding in amount, together with the existing indebtedness, five percent on the value of the taxable property therein (being twice the assessed valuation), to be ascertained as provided in RCW 36.67.010, whenever three-fifths of

the voters of the county assent thereto, at an election to be held for that purpose, consistent with the general election laws, which election may be either a special or general election.

Sec. 3. Section 36.67.040, chapter 4, Laws of 1963 and RCW 36.67.040 are each amended to read as follows:

RCW 36.67.040  
amended.

The bonds shall bear the date of issue, shall be made payable to the bearer and bear interest at a rate of not exceeding seven percent per year, payable annually, with coupons attached for each interest payment. Except as otherwise provided in RCW 39.44.100, the bonds and each coupon shall be signed by the chairman of the board of county commissioners, and shall be attested by the clerk of the board, and the seal of such board shall be affixed to each bond, but not to the coupon. Each bond shall be printed, engraved, or lithographed on good bond paper.

Content of  
county bonds.

Sec. 4. Section 1, chapter 143, Laws of 1917 as last amended by section 1, chapter 227, Laws of 1959, and RCW 39.36.020 are each amended to read as follows:

RCW 39.36.020  
amended.

(1) No taxing district except counties, cities and towns shall for any purpose become indebted in any manner to an amount exceeding one and one-half percent of the last assessed valuation of the taxable property in such taxing district, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five percent of the last assessed valuation of the taxable property in such taxing district.

Public  
indebtedness—  
Limitation—  
Taxing dis-  
tricts.

(2) Counties, cities and towns are limited to an indebtedness amount not exceeding one and one-half percent of the last assessed valuation of the

Public indebtedness—  
Limitation—  
Taxing districts.

taxable property in such counties, cities or towns without the assent of three-fifths of the voters therein voting at an election to be held for that purpose. In cases requiring such assent counties, cities and towns are limited to five percent on the value of the taxable property therein (being twice the assessed valuation) as ascertained by the last completed and balanced tax rolls of such counties, cities or towns for county, city or town purposes.

(3) No part of the indebtedness allowed in this chapter shall be incurred for any purpose other than strictly county, city, town, school district, township, port district, metropolitan park district, or other municipal purposes: *Provided*, That a city or town, with such assent, may become indebted to a larger amount, but not exceeding five percent additional, determined as herein provided, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city or town: *Provided further*, That any school district may become indebted to a larger amount but not exceeding five percent additional for capital outlays.

RCW 39.44.070 amended.

Sec. 5. Section 5, chapter 151, Laws of 1923 and RCW 39.44.070 are each amended to read as follows:

Public indebtedness—Bonds—  
—Life of bonds.

Notwithstanding the provisions of any charter to the contrary, bonds issued under RCW 39.44.010 through 39.44.080 may be issued to run for a period up to forty years from the date of the issue and shall, as near as practicable, be issued for a period which shall not exceed the life of the improvement to be acquired by the use of the bonds.

Repeal.

Sec. 6. Section 35.37.080, chapter 7, Laws of 1965 and RCW 35.37.080 are each repealed.

Passed the Senate February 18, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 108.

[Senate Bill No. 390.]

HIGHWAYS—URBAN PUBLIC TRANSPORTATION  
SYSTEMS.

AN ACT relating to transportation; authorizing and regulating public highways, streets, bridges, ferries, tunnels, urban public transportation systems and related means of transportation; amending section 47.08.070, chapter 13, Laws of 1961 and RCW 47.08.070; amending section 47.12.010, chapter 13, Laws of 1961 and RCW 47.12.010; amending section 62, chapter 170, Laws of 1965 extraordinary session and RCW 47.12.250; amending section 47.28.140, chapter 13, Laws of 1961 and RCW 47.28.140; amending section 47.44.010, chapter 13, Laws of 1961 as last amended by section 1, chapter 70, Laws of 1963, and RCW 47.44.010; amending section 47.44.040, chapter 13, Laws of 1961 and RCW 47.44.040; amending section 47.48.010, chapter 13, Laws of 1961 and RCW 47.48.010; amending section 47.52.010, chapter 13, Laws of 1961 and RCW 47.52.010; amending section 47.52.090, chapter 13, Laws of 1961 and RCW 47.52.090; amending section 5, chapter 257, Laws of 1961 and RCW 47.56.256; amending section 63, chapter 170, Laws of 1965 extraordinary session and RCW 47.04.081.

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

Section 1. As used in this act the term "urban public transportation system" shall mean a system for the public transportation of persons or property by buses, street cars, trains, electric trolley coaches, other public transit vehicles, or any combination thereof operating in or through predominantly urban areas and owned and operated by the state, any city or county or any municipal corporation of the state, including all structures, facilities, vehicles and other property rights and interests forming a part of such a system.

Highways—  
Urban public  
transportation  
systems—  
Defined.

Sec. 2. The separate and uncoordinated development of public highways and urban public transportation systems is wasteful of this state's natural and financial resources. It is the public policy of this state to encourage wherever feasible the joint plan-

Public high-  
way purpose.

Urban public  
transportation  
systems.

ning, construction and maintenance of public highways and urban public transportation systems serving common geographical areas as joint use facilities. To this end the legislature declares it to be a highway purpose to use motor vehicle funds, city and town street funds or county roads funds to pay the full proportionate highway, street or road share of the costs of design, right of way acquisition, construction and maintenance of any highway, street or road to be used jointly with an urban public transportation system.

RCW 47.08.070  
amended.

Sec. 3. Section 47.08.070, chapter 13, Laws of 1961 and RCW 47.08.070 are each amended to read as follows:

Highways—  
Cooperation in  
public works  
projects.

When in the opinion of the highway commission it appears that any state highway will be benefited or improved by the construction of any public works project, including any urban public transportation system, within the state of Washington by any of the departments of the state of Washington, by the federal government, or by any agency, instrumentality or municipal corporation of either the state of Washington or the United States, the highway commission is hereby authorized to enter into cooperative agreements with any such state department, with the United States, or with any agency, instrumentality or municipal corporation of either the state of Washington or the United States, wherein the state of Washington, acting through its highway commission, will participate in the cost of the public works project in such amount as may be determined by the highway commission to be the value of the benefits or improvements to the particular state highway derived from the construction of said public works project. Under any such agreement the highway commission may contribute to the cost of the public works project by making direct payment to the particular state department, federal govern-

ment or to any agency, instrumentality or municipal corporation of either the state or the United States, or any thereof, which may be involved in said project, from any funds appropriated to the highway commission and available for highway purposes, or by doing a portion of the project either by day labor or by contract, or in any other manner as may be deemed advisable and necessary by the highway commission.

Sec. 4. Section 47.12.010, chapter 13, Laws of 1961 and RCW 47.12.010 are each amended to read as follows:

RCW 47.12.010  
amended.

Whenever it is necessary to secure any lands or interests in land for a right of way for any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to provide a visual or sound buffer between highways and adjacent properties or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the state highways of this state, or any site for the construction and maintenance of structures and facilities adjacent to, under, upon, within, or above the right of way of any state highway for exclusive or nonexclusive use by an urban public transportation system, or for any other highway purpose, together with right of way to reach such property and gain access thereto, the highway commission is authorized to acquire such lands or interests in land in behalf of the state by gift, purchase or condemna-

Highways—  
Acquisition  
and disposition  
of state high-  
way property—  
Authorized—  
Condemnation  
actions—Costs.

Highways.

tion. In case of condemnation to secure such lands or interests in land, the action shall be brought in the name of the state of Washington in the manner provided for the acquiring of property for the public uses of the state, and in such action the selection of the lands or interests in land by the highway commission shall, in the absence of bad faith, arbitrary, capricious or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands or interests in land are necessary for public use for the purposes sought. The cost and expense of such lands or interests in land may be paid as a part of the cost of the state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites and structure sites or other lands are acquired.

RCW 47.12.250  
amended.

Sec. 5. Section 62, chapter 170, Laws of 1965 extraordinary session and RCW 47.12.250 are each amended to read as follows:

Highways—  
Acquisition  
for beauty,  
historic sites,  
sound buffers,  
viewpoint or  
safety rest  
areas.

The state highway commission is authorized to acquire by purchase, lease, condemnation, gift, devise, bequest, grant or exchange, title to or any interests or rights in real property adjacent to state highways for the preservation of natural beauty, historic sites or viewpoints or for safety rest areas or to provide a visual or sound buffer between highways and adjacent properties: *Provided*, That the state highway commission shall not acquire, by condemnation, less than an owner's entire interest for providing a visual or sound buffer between highways and adjacent properties under sections 4 and 5 of this act if said owner objects to the taking of said lesser interest or right.

RCW 47.28.140  
amended.

Sec. 6. Section 47.28.140, chapter 13, Laws of 1961 and RCW 47.28.140 are each amended to read as follows:

When in the opinion of the governing authorities representing the state department of highways and any agency, instrumentality, municipal corporation or political subdivision of the state of Washington, any highway, road or street will be benefited or improved by constructing, reconstructing, locating, relocating, laying out, repairing, surveying, altering, improving or maintaining, or by the establishment adjacent to, under, upon, within or above any portion of any such highway, road or street of an urban public transportation system, by either the said highway department or any agency, instrumentality, municipal corporation or political subdivision of the state, and it is in the public interest to do so, the authorities may enter into cooperative agreements wherein either agrees to perform the work and furnish the materials necessary and pay the cost thereof, including necessary engineering assistance, which costs and expenses shall be reimbursed by the party whose responsibility it was to do or perform such work or improvement in the first instance. Said work may be done by either day labor or contract, and the cooperative agreement between the parties shall provide for the method of reimbursement. In the case of some special benefit or improvement to a state highway derived from the construction of any public works project, including any urban public transportation system, the department of highways may contribute to the cost thereof by making direct payment to the particular state department, agency, instrumentality, municipal corporation or political subdivision on the basis of benefits received, but such payment shall be made only after a cooperative agreement has been entered into for a specified amount or on an actual cost basis prior to the commencement of said particular public works project.

Highways—  
Agreements to  
benefit or im-  
prove high-  
ways, roads or  
streets—Labor  
—Costs.

RCW 47.44.010  
amended.

Sec. 7. Section 47.44.010, chapter 13, Laws of 1961, as last amended by section 1, chapter 70, Laws of 1963, and RCW 47.44.010 are each amended to read as follows:

Highways—  
Franchises on  
state highways  
—Application  
—Notice—  
Hearing.

The highway commission shall have the power to grant franchises to persons, associations, private or municipal corporations, the United States government or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, agency or department of the state of Washington other than the highway commission, and any other such facilities. All applications for such franchise shall be made in writing and subscribed by the applicant, and shall describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. Upon the filing of any such application a time and place for hearing the same shall be fixed and a notice thereof shall be given in the county or counties in which any portion of the state highway upon which such franchise is applied for is located, at the expense of the applicant, by posting written or printed notices in three public places at the county seat of such county or counties for at least twenty days before the day fixed for such hearing, and by publishing a like notice in three successive weekly issues of a newspaper having a general circulation in such county or counties, the last publication to be at least five days before the day fixed for the hearing; which notice shall state the name or names of the applicant or applicants, a description of the state highway or part thereof over which the franchise is applied for, and the time and place of such hearing. It shall be the

duty of the county auditor of the respective counties to cause such notices to be posted and published and to file proof of such posting and publication with the highway commission.

Sufficient copies of the notice required by this section shall be sent directly to the county auditor of the respective counties at least forty-five days prior to the date fixed for the hearing.

Sec. 8. Section 47.44.040, chapter 13, Laws of 1961 and RCW 47.44.040 are each amended to read as follows:

RCW 47.44.040  
amended.

Whenever any bridge shall exist on the route of any state highway and crosses any stream, body of water, gulch, navigable water, swamp or other topographical formation constituting the boundary of a county, city or town of this state or the boundary of this state and the same is owned or operated by this state jointly with any such county, city or town or with any municipal corporation of this state, or with such other state or with any county, city or town of such other state, the highway commission is empowered to join with the proper officials of such county, city or town or such municipal corporation of this state or of such other state or of such county, city or town of such other state in granting franchises to persons or private or municipal corporations for the construction and maintenance thereon of water pipes, flumes, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams and railways, and any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, agency or department of the state of Washington other than the highway commission, or any other such facilities. All such franchises shall be granted in the same manner as provided for the granting of like franchises on state highways. Any revenue accruing to the state of Washington from such fran-

Franchises to  
use toll facility  
property.

chises shall be paid to the state treasurer and by him deposited to the credit of the fund from which this state's share of the cost of joint operation of such bridge is paid.

RCW 47.48.010 amended.

Sec. 9. Section 47.48.010, chapter 13, Laws of 1961 and RCW 47.48.010 are each amended to read as follows:

Highways—closing and restricting traffic.

Whenever the condition of any state highway, county road or city street, either newly or previously constructed, altered, repaired or improved, or any part thereof is such that for any reason its use or continued use by vehicles or by any class of vehicles will greatly damage such state highway, county road or city street or will be dangerous to traffic thereon or the same is being constructed, altered, repaired, improved or maintained in such a manner as to require that such state highway, county road or city street or any portion thereof be closed to travel by all vehicles or by any class of vehicles for any period of time, the highway commission if it be a state highway, the county commissioners if it be a county road, or the governing body of any city or town if it be a city street, is authorized to close such state highway, county road or city street, as the case may be, to travel by all vehicles or by any class of vehicles for such a definite period as they shall determine: *Provided*, That nothing in the law of this state shall prevent the highway commission, county commissioners, or governing body of any city or town from classifying vehicles according to gross weight, axle weight, height, width, length, braking area, performance, or tire equipment for the purposes of this section, or from restricting the use of any portion of any public highway within the jurisdiction and control of any such commission or governing body to its use by an urban public transportation system.

Sec. 10. Section 47.52.010, chapter 13, Laws of 1961 and RCW 47.52.010 are each amended to read as follows:

RCW 47.52.010 amended.

For the purposes of this chapter, a "limited access facility" is defined as a highway or street especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons, have no right or easement, or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility. Such highways or streets may be parkways, from which vehicles forming part of an urban public transportation system, trucks, buses, or other commercial vehicles may be excluded; or they may be freeways open to use by all customary forms of street and highway traffic, including vehicles forming a part of an urban public transportation system.

Limited access facilities. Defined.

Sec. 11. Section 47.52.090, chapter 13, Laws of 1961 and RCW 47.52.090 are each amended to read as follows:

RCW 47.52.090 amended.

The highway authorities of the state, counties, incorporated cities and towns, and municipal corporations owning or operating an urban public transportation system are authorized to enter into agreements with each other, or with the federal government, respecting the financing, planning, establishment, improvement, construction, maintenance, use, regulation, or vacation of limited access facilities in their respective jurisdictions to facilitate the purposes of this chapter. Any such agreement may provide for the exclusive or nonexclusive use of a portion of such facility by street cars, trains or other vehicles forming a part of an urban public transportation system and for the erection, construction and maintenance thereon of structures and facilities of

Highways. Limited access facilities. Cooperative agreements for use.

Highways.  
Limited access  
facilities.  
Cooperative  
agreements  
for use.

such a system including facilities for the receipt and discharge of passengers: *Provided*, That within incorporated cities and towns the title to such limited access facility, after purchase and construction by the state alone, shall vest in the state, and the Washington state highway commission shall exercise full jurisdiction, responsibility and control to, and over, such facility: *Provided, further*, That:

(1) Cities and towns shall regulate all traffic restrictions on such facilities except as provided in RCW 46.48.041 and all regulations adopted shall be subject to approval of the state highway commission before becoming effective. Nothing herein shall preclude the state patrol, any county, or city or town from enforcing any traffic regulations and restrictions prescribed by state law, county resolution, or municipal ordinance.

(2) The city or town or franchise holder shall at its own expense maintain its underground facilities beneath the surface across the highway and shall have the right to construct such additional facilities underground or beneath the surface of the facility or necessary overcrossings of power lines and other utilities as may be necessary insofar as such facilities do not interfere with the use of the right of way for limited access highway purposes, and the city or town shall have the right to maintain any municipal utility and the right to open the surface of such highway, and the construction, maintenance until permanent repair is made, and permanent repair of such facilities shall be done in a time and manner authorized by permit to be issued by the state highway commission or its authorized representative, except to meet emergency conditions for which no permit will be required, but any damage occasioned thereby shall promptly be repaired by the city or town itself, or at its direction. Where a city or town is required to relocate overhead facilities within the

corporate limits of a city or town as a result of the construction of a limited access facility, the cost of such relocation shall be paid by the state.

(3) Cities and towns shall have the right to grant utility franchises crossing the facility underground and beneath its surface insofar as such franchises are not inconsistent with the use of the right of way for limited access facility purposes: *Provided*, That such franchises are not in conflict with state laws: *Provided further*, That the state highway commission shall be authorized to enforce, in an action brought in the name of the state, any condition of any franchise which a city or town shall have granted: *And provided further*, That no franchise for transportation of passengers in motor vehicles shall be granted on such highways without the approval of the state highway commission, except cities and towns shall not be required to obtain a franchise for the operation of municipal vehicles or vehicles operating under franchises from the city or town operating within the corporate limits of a city or town and within a radius not to exceed eight miles outside of such corporate limits for public transportation on such facilities, but such vehicles may not stop on the limited access portion of such facility to receive or to discharge passengers unless appropriate special lanes or deceleration, stopping and acceleration space is provided for such vehicles.

Every franchise or permit granted any person by a city or town for use of any portion of a limited access facility shall require the grantee or permittee to restore, permanently repair and replace to its original condition any portion of the highway damaged or injured by it. Except to meet emergency conditions, the construction and permanent repair of any limited access facility by the grantee of a franchise shall be in a time and manner authorized by

Highways.  
Limited access  
facilities.  
Cooperative  
agreements  
for use.

permit to be issued by the state highway commission, or its authorized representative.

(4) The state highway commission shall have the right to utilize all storm sewers which are adequate and available for the additional quantity of run-off proposed to be passed through such storm sewers.

(5) The construction and maintenance of city streets over and under crossings and surface intersections of the limited access facility shall be in accordance with the governing policy entered into between the state highway commission and the association of Washington cities on June 21, 1956, or as such policy may be amended by agreement between the Washington state highway commission and the association of Washington cities.

RCW 47.56.256  
amended.

Sec. 12. Section 5, chapter 257, Laws of 1961 and RCW 47.56.256 are each amended to read as follows:

Toll bridges,  
tunnels,  
ferries. Fran-  
chises on.

If the Washington state highway commission deems it not inconsistent with the use and operation of any facility of the toll bridge authority, the commission may grant franchises to persons, associations, private or municipal corporations, the United States government or any agency thereof, to use any portion of the property of any toll bridge, toll road, toll tunnel or the Washington state ferry system, including approaches thereto, for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, agency or department of the state of Washington other than the state highway commission, and any other such facilities in the manner of granting franchises on state highways.

Sec. 13. Section 63, chapter 170, Laws of 1965 extraordinary session and RCW 47.04.081 are each amended to read as follows:

RCW 47.04.081 amended.

The highway commission is empowered to join financially or otherwise with any public agency or any county, city or town in the state of Washington or any other state, or with the federal government or any agency thereof, or with any or all thereof for the planning, development and establishment of urban public transportation systems in conjunction with new or existing highway facilities.

State participation in urban public transportation systems development.

Sec. 14. If any provision of this act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 109.

[Senate Bill No. 381.]

COUNTIES, POPULATION 170,000 OR OVER—  
HIGHWAYS—OPEN SPACES.

AN ACT relating to counties; authorizing the construction of highways and the acquisition of land for open spaces; providing for the issuance of general obligation bonds and prescribing powers, duties, and functions in relation thereto; authorizing an election on the issuance of bonds for more than one project as a single proposition; providing for joint planning and financing with other governmental agencies; and providing an effective date.

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

Counties.  
Highways—  
Open spaces—  
Definitions.

Section 1. The words “governmental agency” as used in this act mean the state or any agency, subdivision, taxing district or municipal corporation thereof.

The word “highways” as used in this act means all public roads, streets, expressways, parkways, scenic drives, bridges and other public ways, including without limitation, traffic control facilities, special lanes, turnouts or structures in, upon, over or under such public ways for exclusive or nonexclusive use by public transit vehicles, and landscaping, visual and sound buffers between such public ways and adjacent properties.

The words “open space” as used in this act mean any land, interest in land and facilities thereon set aside for public park, recreational, green belt, arboretum, historic, scenic, viewpoint, aesthetic, ornamental or natural resource preservation purposes.

Counties as used in this act shall mean counties containing a population of not less than one hundred seventy thousand persons.

Legislative  
declaration of  
county purpose.

Sec. 2. The legislature finds that the open spaces and highways within any county of this state, whether located partly or wholly within or without

the cities and towns of such county are of general benefit to all of the residents of such county. The open spaces within such county provide public recreation, aesthetic, conservation and educational opportunities accessible to all of the residents of such county. The highways within such county, whether under the general control of the county or the state or within the limits of any incorporated city or town, provide an inter-connected system for the convenient and efficient movement of people and goods within such county. The use of general county funds for the purpose of acquisition or development of open spaces and for the purpose of acquisition, construction or improvement of highways or to participate with any governmental agency to perform such purposes within such county pursuant to this act is hereby declared to be a strictly county purpose.

Sec. 3. Counties are authorized to establish, construct and improve highways and to acquire and develop open spaces pursuant to the provisions of this act within and without the cities and towns of such county and for such purposes shall have the power to acquire lands, buildings and other facilities by gift, grant, purchase, condemnation, lease, devise and bequest and to construct, improve or maintain buildings, structures and facilities necessary for such purposes: *Provided*, That for visual or sound buffer purposes the county shall not acquire by condemnation, less than an owner's entire interest or right in the particular real property to be so acquired if said owner objects to the taking of said lesser interest or right.

Authority of counties.

Sec. 4. To carry out the purposes of this act counties shall have the power to issue general obligation bonds within the limitations now or hereafter prescribed by the Constitution and laws of this

General obligation bonds—  
Submission to electors.

General obligation bonds—  
Submission to  
electors.

state. Such general obligation bonds shall be authorized, issued and made payable as provided in Title 39 RCW. The board of county commissioners 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 acquisition and development of open spaces or the acquisition, construction or improvement of highways within the county.

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 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, 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 in submitting a proposition relating to different open spaces declare that such proposition has for its object the furtherance, accomplishment or preserva-

tion of an open space 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.

Sec. 5. A county may finance, acquire, construct, develop, improve, maintain and operate any highways and any open space lands or facilities authorized by this act either solely or in conjunction with one or more governmental agencies. Any governmental agency is authorized to participate in such financing, acquisition, construction, development, improvement, maintenance and operation and to convey, dedicate or lease any lands, properties or facilities to any county for highway or open space purposes, on such terms as may be fixed by agreement between the respective governing commissions or legislative bodies without submitting the matter to a vote of the electors unless the provisions of general law applicable to the incurring of public indebtedness shall require such submission.

Authority—  
Transfer of  
property.

No county shall proceed under the authority of this act to construct or improve any highway or part thereof lying within the limits of a city or town except with the prior consent of such city or town. By agreement between their respective legislative bodies, cities, towns and counties may provide that upon completion of any highway or portion thereof constructed pursuant to this act within any city or town, the city or town shall accept the same for maintenance and operation and that such highway or portion thereof shall thereupon become a part of the highway system of the city or town.

A county may transfer to any other governmental agency the ownership, operation and maintenance of any open space acquired by the county pursuant to this act, which lies wholly or partly within such governmental agency, pursuant to an

agreement entered into between the legislative bodies of the county and such governmental agency: *Provided*, That such transfer shall be subject to the condition that either such open space shall continue to be used for open space purposes or that other equivalent open space within the county shall be conveyed to the county in exchange therefor.

Authority is supplemental and cumulative.

Sec. 6. The powers and authority conferred upon governmental agencies under the provisions of this act, shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of such governmental agencies.

Severability.

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.

Application—Counties over 170,000 population.

Sec. 8. This act shall not apply to counties containing a population of less than one hundred seventy thousand persons.

Effective date.

Sec. 9. This act shall take effect on June 9, 1967.  
Passed the Senate March 9, 1967.  
Passed the House March 8, 1967.  
Approved by the Governor March 21, 1967.

## CHAPTER 110.

[Senate Bill No. 364.]

## MULTI-PURPOSE COMMUNITY CENTERS.

AN ACT relating to multi-purpose community centers; and providing an effective date.

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

Section 1. "Municipality" as used in this act means any county, city or town of the state of Washington.

Multi-purpose  
community  
centers—  
Definitions.

"Government agency" as used in this act means the federal government or any agency thereof, or the state or any agency, subdivision, taxing district or municipal corporation thereof other than a county, city or town.

"Person" as used in this act means any private corporation, partnership, association or individual.

"Multi-purpose community center" as used in this act means the lands, interests in lands, property, property rights, equipment, buildings, structures and other improvements developed as an integrated, multi-purpose, public facility on a single site or immediately adjacent sites for the housing and furnishing of any combination of the following community or public services or facilities: Administrative, legislative or judicial offices and chambers of any municipality, public health facilities, public safety facilities including without limitation, adult and juvenile detention facilities, fire and police stations, public halls, auditoria, libraries and museums, public facilities for the teaching, practice or exhibition of arts and crafts, educational facilities, playfields, playgrounds, parks, indoor and outdoor sports and recreation facilities. The term multi-purpose community center shall also mean and include walks, ramps, bridges, terminal and parking facilities for private vehicles and public transportation

vehicles and systems, utilities, accessories, landscaping, and appurtenances incident to and necessary for such centers.

Multi-purpose  
community  
centers—  
Legislative  
findings.

Sec. 2. The legislature finds that in many areas of the state local services and facilities can be more effectively and economically provided by combining two or more services and/or facilities in a single multi-purpose community center or a system of such centers. Any municipality shall have and exercise the authority and powers granted by this act whenever it appears to the legislative body of such municipality that the acquisition, construction, development and operation of a multi-purpose community center or a system of such centers will accomplish one or more of the following: Reduce costs of land acquisition, construction, maintenance or operation for affected public services or facilities; avoid duplication of structures, facilities or personnel; improve communication and coordination between departments of a municipality or governmental agency or between municipalities and governmental agencies; make local public services or facilities more convenient or useful to the residents and citizens of such municipality.

Authority to  
establish etc.

Sec. 3. Any municipality is authorized either individually or jointly with any other municipality or municipalities or any governmental agency or agencies, or any combination thereof, to acquire by purchase, condemnation, gift or grant, to lease as lessee, and to construct, install, add to, improve, replace, repair, maintain, operate and regulate the use of multi-purpose community centers located within such municipality, and to pay for any investigations and any engineering, planning, financial, legal and professional services incident to the development and operation of such multi-purpose community centers.

Sec. 4. Any municipality, and any agency, subdivision, taxing district or municipal corporation of the state is authorized to convey or lease any lands, properties or facilities to any other municipality for the development by such other municipality of a multi-purpose community center or a system of such centers or to provide for the joint use of such lands, properties or facilities or any other facilities of a multi-purpose community center, and is authorized to participate in the financing of all or any part of such multi-purpose community center or system of such centers on such terms as may be fixed by agreement between the respective legislative bodies without submitting the matter to a vote of the electors thereof, unless the provisions of the Constitution or laws of this state applicable to the incurring of indebtedness shall require such submission.

Authority to lease or convey lands for.

Sec. 5. The accomplishment of the objectives authorized by this act is declared to be a strictly public purpose of the municipality or municipalities authorized to perform the same. Any such municipality shall have the power to acquire by condemnation and purchase any lands and property rights within its boundaries which are necessary to carry out the purposes authorized by this act. Such right of eminent domain shall be exercised by the legislative body of each such municipality in the manner provided by applicable general law.

Public purpose declared.

Sec. 6. To carry out the purposes of this act 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. If the governing body of any municipality shall submit a

Powers—General obligation bonds.

Multi-purpose  
community  
centers.

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 act, 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.

Powers—Rev-  
enue bonds.

Sec. 7. To carry out the purposes authorized by this act 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 act shall apply to the issuance and retirement of any revenue bonds issued for the purposes authorized in this act 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. 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.

Sec. 8. The legislative body of any municipality owning or operating a multi-purpose community center acquired or developed pursuant to this act shall have power to lease to any municipality, governmental agency or person, or to contract for the use or operation by any municipality, governmental agency or person, of all or any part of the multi-purpose community center facilities authorized by this act, for such period and under such terms and conditions and upon such rentals, fees and charges as such legislative body may determine, and may pledge all or any portion of such rentals, fees and charges and any other revenue derived from the ownership and/or operation of any facilities of a multi-purpose community center to pay and to secure the payment of general obligation bonds and/or revenue bonds of such municipality issued for multi-purpose community center purposes.

Authority to lease, or contract for use or operation of, rentals.

Sec. 9. Counties may establish multi-purpose community centers, pursuant to this act, in unincorporated areas and/or within cities or towns: *Provided*, That no such center shall be located in any city or town without the prior consent of the legislative body of such city or town.

Counties may establish in unincorporated areas.

Sec. 10. All proceedings which have been taken prior to the date this act takes effect for the purpose of financing or aiding in the financing of any work, undertaking or project authorized in this act by any municipality, including all proceedings for the authorization and issuance of bonds and for the sale, execution and delivery thereof, are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such municipality or the legislative body or officers thereof to authorize and issue such bonds, or to sell, execute, or deliver the same and notwithstanding any defects or irregularities (other than constitutional) in such proceedings.

Validation and ratification of prior actions.

Construction.

Sec. 11. The powers and authority conferred upon municipalities under the provisions of this chapter, shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of such municipalities.

Severability.

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.

Sec. 13. This act shall take effect on June 9, 1967.

Passed the Senate February 28, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 111.

[Senate Bill No. 169.]

UNFIT DWELLINGS, BUILDINGS AND STRUCTURES.

AN ACT relating to housing standards in cities, towns, and counties; amending section 35.80.010, chapter 7, Laws of 1965 and RCW 35.80.010; amending section 35.80.020, chapter 7, Laws of 1965 and RCW 35.80.020; and amending section 35.80.030, chapter 7, Laws of 1965 and RCW 35.80.030.

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

RCW 35.80.010 amended.

Section 1. Section 35.80.010, chapter 7, Laws of 1965 and RCW 35.80.010 are each amended to read as follows:

Cities, towns and counties—Unfit dwellings.

It is hereby found that there exist, in municipalities and class AA and class A counties of the state, dwellings which are unfit for human habitation, and buildings and structures which are unfit for other

uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanliness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of the residents of such municipalities and class AA and class A counties.

It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended, and that the necessity of the public interest for the enactment of this law is hereby declared to be a matter of local legislative determination.

Sec. 2. Section 35.80.020, chapter 7, Laws of 1965 and RCW 35.80.020 are each amended to read as follows: RCW 35.80.020 amended.

The following terms, however used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context: Definitions.

(1) "Board" shall mean the improvement board as provided for in RCW 35.80.030 (1) (a);

(2) "Local governing body" shall mean the council, board, commission, or other legislative body charged with governing the municipality or county;

(3) "Municipality" shall mean any incorporated city or town in the state;

(4) "County" shall mean any class AA or class A county in the state exclusive of the incorporated cities and towns situated therein;

(5) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality or county relating to health, fire, building regulation, or other activities concerning dwellings, buildings, and structures in the municipality or county.

RCW 35.80.030 amended.

Sec. 3. Section 35.80.030, chapter 7, Laws of 1965 and RCW 35.80.030 are each amended to read as follows:

Unfit dwellings, buildings and structures —Permissible ordinances— Appeal.

(1) Whenever the local governing body of a municipality or class AA or class A county finds that one or more conditions of the character described in RCW 35.80.010 exist within its territorial limits, said governing body may adopt ordinances relating to such dwellings, buildings, or structures. Such ordinances may provide for the following:

(a) That an "improvement board" or officer be designated or appointed to exercise the powers assigned to such board or officer by the ordinance as specified herein. Said board or officer may be an existing municipal board, or officer, in the municipality, or an existing county board, or officer, in the county, or may be a separate board or officer appointed solely for the purpose of exercising the powers assigned by said ordinance.

If a board is created, the ordinance shall specify the terms, method of appointment, and type of membership of said board, which may be limited, if the local governing body chooses, to public officers as herein defined.

(b) If a board is created, a public officer, other than a member of the improvement board, may be designated to work with the board and carry out the duties and exercise the powers assigned to said public officer by the ordinance.

(c) That if, after a preliminary investigation of any dwelling, building, or structure, the board or officer finds that it is unfit for human habitation or other use, he shall cause to be served either personally or by registered mail upon all persons having any interest therein, as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on such property, a complaint stating in what

respects such dwelling, building, or structure is unfit for human habitation or other use. If the whereabouts of such persons is unknown and the same cannot be ascertained by the board or officer in the exercise of reasonable diligence, and the board or officer shall make an affidavit to the effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper published in the municipality or county in which the property is located, or in the absence of such newspaper, it shall be posted in three public places in the municipality or county in which the dwellings, buildings, or structures are located. Such complaint shall contain a notice that a hearing will be held before the board or officer, at a place therein fixed, not less than ten days nor more than thirty days after the serving of said complaint; or in the event of publication or posting, not less than fifteen days nor more than thirty days from the date of the first publication and posting; that all parties in interest shall be given the right to file an answer to the complaint, and to appear in person, or otherwise, and to give testimony at the time and place fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board or officer. A copy of such complaint shall also be filed with the auditor of the county in which the dwelling, building, or structure is located, and such filing of the complaint or order shall have the same force and effect as other *lis pendens* notices provided by law.

(d) That the board or officer may determine that a dwelling, building, or structure is unfit for human habitation or other use if it finds that conditions exist in such dwelling, building, or structure which are dangerous or injurious to the health or safety of the occupants of such dwelling, building,

Unfit dwell-  
ings, buildings  
and structures  
—Permissible  
ordinances—  
Appeal.

or structure, the occupants of neighboring dwellings, or other residents of such municipality or county. Such conditions may include the following, without limitations: Defects therein increasing the hazards of fire or accident; inadequate ventilation, light, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness, overcrowding, or inadequate drainage. The ordinance shall state reasonable and minimum standards covering such conditions, including those contained in ordinances adopted in accordance with subdivision (7) (a) herein, to guide the board or the public officer and the agents and employees of either, in determining the fitness of a dwelling for human habitation, or building or structure for other use.

(e) That the determination of whether a dwelling, building, or structure should be repaired or demolished, shall be based on specific stated standards on (i) the degree of structural deterioration of the dwelling, building, or structure, or (ii) the relationship that the estimated cost of repair bears to the value of the dwelling, building, or structure, with the method of determining this value to be specified in the ordinance.

(f) That if, after the required hearing, the board or officer determines that the dwelling is unfit for human habitation, or building or structure is unfit for other use, it shall state in writing its findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest thereof, as is provided in subdivision (1) (c), and shall post in a conspicuous place on said property, an order which (i) requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building, or structure, if such course of

action is deemed proper on the basis of the standards set forth as required to subdivision (1) (e); or (ii) requires the owner or party in interest, within the time specified on the order, to remove or demolish such dwelling, building, or structure, if this course of action is deemed proper on the basis of said standards. If no appeal is filed, a copy of such order shall be filed with the auditor of the county in which the dwelling, building, or structure is located.

(g) The owner or any party in interest, within thirty days from the date of service upon the owner and posting of an order issued by the board under the provisions of subdivision (c) of this subsection, may file an appeal with the appeals commission.

The local governing body of the municipality or county shall designate or establish a municipal or county agency to serve as the appeals commission. The local governing body shall also establish rules of procedure adequate to assure a prompt and thorough review of matters submitted to the appeals commission, and such rules of procedure shall include the following, without being limited thereto: (i) All matters submitted to the appeals commission must be resolved by the commission within sixty days from the date of filing therewith, and (ii) a transcript of the findings of fact of the appeals commission shall be made available to the owner or other party in interest upon demand.

The findings and orders of the appeals commission shall be reported in the same manner and shall bear the same legal consequences as if issued by the board, and shall be subject to review only in the manner and to the extent provided in subdivision (2) of this section.

If the owner or party in interest, following exhaustion of his rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, or

Unfit dwell-  
ings, buildings  
and structures  
—Permissible  
ordinances—  
Appeal.

structure, the board or officer may direct or cause such dwelling, building, or structure to be repaired, altered, improved, vacated, and closed, removed, or demolished.

(h) That the amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the board or officer, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification to him by the treasurer of the municipality in cases arising out of the municipality or by the county improvement board or officer, in cases arising out of the county, of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year, and the same shall become a part of the general taxes for that year to be collected at the same time and with the same interest (not to exceed six percent) and penalties, and when collected shall be deposited to the credit of the general fund of the municipality or county: *Provided*, That if the total assessment due and owing exceeds twenty-five dollars the local governing body shall, upon written request of the owner or party in interest, divide the amount due into ten equal annual installments, subject to earlier payment at the option of owner or party in interest. If the dwelling, building or structure is removed or demolished by the board or officer, the board or officer shall, if possible, sell the materials of such dwelling, building, or structure in accordance with procedures set forth in said ordinance, and shall credit the proceeds of such sale against the cost of the removal or demolition, and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the board or officer, after deducting the cost incident thereto.

(2) Any person affected by an order issued by the appeals commission pursuant to subdivision (1) (f) hereof may, within thirty days after the posting and service of the order, petition the superior court for an injunction restraining the public officer or members of the board from carrying out the provisions of the order. In all such proceedings the court is authorized to affirm, reverse, or modify the order and such trial shall be heard de novo.

(3) An ordinance adopted by the local governing body of the municipality or county may authorize the board or officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section. These powers shall include the following in addition to others herein granted: (a) (i) To determine which dwellings within the municipality or county are unfit for human habitation; (ii) to determine which buildings or structures are unfit for other use; (b) to administer oaths and affirmations, examine witnesses and receive evidence; and (c) to investigate the dwelling and other use conditions in the municipality or county and to enter upon premises for the purpose of making examinations when the board or officer has reasonable ground for believing they are unfit for human habitation, or for other use: *Provided*, That such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

(4) The local governing body of any municipality or county adopting an ordinance pursuant to this chapter may appropriate the necessary funds to administer such ordinance.

Unfit dwell-  
ings, buildings  
and structures  
—Permissible  
ordinances—  
Appeal.

(5) Nothing in this section shall be construed to abrogate or impair the powers of the courts or of any department of any municipality or county to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

(6) Nothing in this section shall be construed to impair or limit in any way the power of the municipality or county to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(7) Any municipality or county may (by ordinance adopted by its governing body) (a) prescribe minimum standards for the use and occupancy of dwellings throughout the municipality, or county, (b) prescribe minimum standards for the use or occupancy of any building or structure used for any other purpose, (c) prevent the use or occupancy of any dwelling, building, or structure, which is injurious to the public health, safety, morals, or welfare, and (d) prescribe punishment for the violation of any provision of such ordinance.

Passed the Senate March 8, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 112.

[Senate Bill No. 333.]

## COLONY OF THE STATE SOLDIERS' HOME.

AN ACT relating to the colony of the state soldiers' home; increasing the ration and clothing allowance for members thereof; and amending section 72.36.050, chapter 28, Laws of 1959 and RCW 72.36.050.

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

Section 1. Section 72.36.050, chapter 28, Laws of 1959 and RCW 72.36.050 are each amended to read as follows:

RCW 72.36.050 amended.

The members of the colony established in RCW 72.36.040 shall, to all intents and purposes, be members of the state soldiers' home and subject to all the rules and regulations thereof, except the requirements of fatigue duty, and each member shall, in accordance with rules and regulations adopted by the director, be supplied with medical attendance and supplies from the home dispensary and rations not exceeding thirty dollars per month in value, and clothing not exceeding sixty dollars per year in value for a member and his wife, and thirty-five dollars per year in value for a widow admitted under RCW 72.36.040.

Colony of state soldiers' home. Ration and clothing allowance.

Passed the Senate February 23, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 113.

[Senate Bill No. 119.]

MUNICIPAL WATER AND SEWER FACILITIES.

AN ACT relating to municipal water and sewer facilities; and amending section 35.91.020, chapter 7, Laws of 1965 and RCW 35.91.020.

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

RCW 35.91.020 amended.

Section 1. Section 35.91.020, chapter 7, Laws of 1965 and RCW 35.91.020 are each amended to read as follows:

Cities and towns—Municipal water and sewer facilities—Contracts with owners of real estate for water or sewer facilities—Reimbursement of costs by subsequent users.

The governing body of any city, town, sewer district, water district or drainage district, hereinafter referred to as a "municipality" may contract with owners of real estate for the construction of storm, sanitary or combination sewers, pumping stations and disposal plants, water mains, hydrants or appurtenances, hereinafter called "water or sewer facilities", within their boundaries or within ten miles from their corporate limits connecting with the public water or sewerage system to serve the area in which the real estate of such owners is located, and to provide for a period of not to exceed fifteen years for the reimbursement of such owners and their assigns by any owner of real estate who did not contribute to the original cost of such water or sewer facilities and who subsequently tap onto or use the same of a fair pro rata share of the cost of the construction of said water or sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto, subject to such reasonable rules and regulations as the governing body of such municipality may provide or contract, and notwithstanding the provisions of any other law. To the extent it may require in the performance of such contract, such municipality shall have the right to install said

water or sewer facilities in and along the county streets in the area to be served as hereinabove provided, subject to such reasonable requirements as to the manner of occupancy of such streets as the county may by resolution provide. The provisions of such contract shall not be effective as to any owner of real estate not a party thereto unless such contract shall have been recorded in the office of the county auditor of the county in which the real estate of such owner is located prior to the time such owner taps into or connects to said water or sewer facilities. The power of the governing body of such municipality to so contract shall also apply to water or sewer facilities in process of construction on June 10, 1959 or which shall not have been finally approved or accepted for full maintenance and operation by such municipality upon June 10, 1959.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 114.

[Substitute Senate Bill No. 42.]

## UNIFORM COMMERCIAL CODE.

AN ACT relating to commercial transactions; amending sections 2-403, 4-406, 6-102, 6-109, 9-302, 9-403, 9-404, 9-405, 9-406 and 9-407, chapter 157, Laws of 1965 extraordinary session and RCW 62A.2-403, 62A.4-406, 62A.6-102, 62A.6-109, 62A.9-302, 62A.9-403, 62A.9-404, 62A.9-405, 62A.9-406, and 62A.9-407; adding new sections to chapter 157, Laws of 1965 extraordinary session and to Article 62A.9 RCW; adding new sections to chapter 11, Laws of 1961 and to chapter 15.48 RCW; and providing an effective date and declaring an emergency.

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

RCW 62A.4-406  
amended.

Section 1. Section 4-406, chapter 157, Laws of 1965 extraordinary session and RCW 62A.4-406 are each amended to read as follows:

Uniform  
Commercial  
Code.  
Bank deposits  
and collections.

*Customer's duty to discover and report unauthorized signature or alteration.* (1) When a bank sends to its customer a statement of account accompanied by items paid in good faith in support of the debit entries or holds the statement and items pursuant to a request or instructions of its customer or otherwise in a reasonable manner makes the statement and items available to the customer, the customer must exercise reasonable care and promptness to examine the statement and items to discover his unauthorized signature or any alteration on an item and must notify the bank promptly after discovery thereof.

(2) If the bank establishes that the customer failed with respect to an item to comply with the duties imposed on the customer by subsection (1) the customer is precluded from asserting against the bank

(a) his unauthorized signature or any alteration on the item if the bank also establishes that it suffered a loss by reason of such failure; and

(b) an unauthorized signature or alteration by the same wrongdoer on any other item paid in good faith by the bank after the first item and statement was available to the customer for a reasonable period and before the bank receives notification from the customer of any such unauthorized signature or alteration.

(3) The preclusion under subsection (2) does not apply if the customer establishes lack of ordinary care on the part of the bank in paying the item(s).

(4) Without regard to care or lack of care of either the customer or the bank a customer who does not within sixty days from the time the statement and items are made available to the customer (subsection (1)) discover and report his unauthorized signature or any alteration on the face or back of the item or does not within three years from that time discover and report any unauthorized indorsement is precluded from asserting against the bank such unauthorized signature or indorsement or such alteration.

(5) If under this section a payor bank has a valid defense against a claim of a customer upon or resulting from payment of an item and waives or fails upon request to assert the defense the bank may not assert against any collecting bank or other prior party presenting or transferring the item a claim based upon the unauthorized signature or alteration giving rise to the customer's claim.

Sec. 2. Section 6-102, chapter 157, Laws of 1965 extraordinary session and RCW 62A.6-102 are each amended to read as follows:

*“Bulk Transfer”; Transfers of Equipment; Enterprises subject to this Article; Bulk Transfers subject to this Article.* (1) A “bulk transfer” is any transfer in bulk and not in the ordinary course of the transferor's business of a major part of the materials,

RCW 62A.6-102  
amended.

Uniform  
Commercial  
Code—  
Bulk transfers.

Uniform  
Commercial  
Code—  
Bulk transfers.

supplies, merchandise or other inventory (RCW 62A.9-109) of an enterprise subject to this Article.

(2) A transfer of all or substantially all of the equipment (RCW 62A.9-109) of such an enterprise is a bulk transfer whether or not made in connection with a bulk transfer of inventory, merchandise, materials or supplies.

(3) The enterprises subject to this Article are all those of a vendor engaged in the business of buying and selling and dealing in goods, wares or merchandise, of any kind or description, or in the business of operating a restaurant, cafe, beer parlor, tavern, hotel, club or gasoline service station.

(4) Except as limited by the following section all bulk transfers of goods located within this state are subject to this Article.

RCW 62A.6-109  
amended.

Sec. 3. Section 6-109, chapter 157, Laws of 1965 extraordinary session and RCW 62A.6-109 are each amended to read as follows:

Bulk transfers.

*What Creditors Protected; Credit for Payment to Particular Creditors.* (1) The creditors of the transferor (or claimants against the transferor) mentioned in this Article are those to whom the transferor is indebted for or on account of services, commodities, goods, wares, or merchandise, or fixtures and equipment, used in or furnished to the business of the transferor, or for or on account of money borrowed to carry on the business of the transferor or for or on account of labor employed in the course of the business of the transferor, of which the goods, wares and merchandise, or fixtures and equipment, bargained for or purchased are a part. Creditors who become such after notice to creditors is given (RCW 62A.6-105 and RCW 62A.6-107) are not entitled to notice.

(2) Against the aggregate obligation imposed by the provisions of this Article concerning the application of the proceeds (RCW 62A.6-106 and subsection

(3) (c) of RCW 62A.6-108) the transferee or auctioneer is entitled to credit for sums paid to particular creditors of the transferor, not exceeding the sums believed in good faith at the time of the payment to be properly payable to such creditors.

Sec. 4. Section 9-302, chapter 157, Laws of 1965 extraordinary session and RCW 62A.9-302 are each amended to read as follows:

RCW 62A.9-302 amended.

(1) A financing statement must be filed to perfect all security interests except the following:

Uniform Commercial Code—Secured transactions—Security interests, filing, exclusions.

(a) a security interest in collateral in possession of the secured party under RCW 62A.9-305;

(b) a security interest temporarily perfected in instruments or documents without delivery under RCW 62A.9-304 or in proceeds for a ten day period under RCW 62A.9-306;

(c) a purchase money security interest in farm equipment having a purchase price not in excess of two thousand five hundred dollars; but filing is required for a fixture under RCW 62A.9-313 or for a motor vehicle required to be licensed;

(d) a purchase money security interest in consumer goods; but filing is required for a fixture under RCW 62A.9-313 or for a motor vehicle required to be licensed;

(e) an assignment of accounts or contract rights which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts or contract rights of the assignor;

(f) a security interest of a collecting bank (RCW 62A.4-208) or arising under the Article on Sales (RCW 62A.9-113) or covered in subsection (3) of this section.

(2) If a secured party assigns a perfected security interest, no filing under this Article is required in order to continue the perfected status of

Uniform  
Commercial  
Code—  
Secured trans-  
actions—  
Security in-  
terests, filing,  
exclusions.

the security interest against creditors of and transferees from the original debtor.

(3) The filing provisions of this Article do not apply to a security interest in property subject to a statute

(a) of the United States which provides for a national registration or filing of all security interests in such property; or

(b) of this state which provides for central filing of, or which requires indication on a certificate of title of, such security interests in such property.

(4) A security interest in property covered by a statute described in subsection (3) can be perfected only by registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate thereof by a public official.

(5) Part 4 of this Article does not apply to a security interest in property of any description created by a deed of trust or mortgage made by any corporation primarily engaged in the railroad or street railway business, the furnishing of telephone or telegraph service, the transmission of oil, gas or petroleum products by pipe line, or the production, transmission or distribution of electricity, steam, gas or water, but such security interest may be perfected under this Article by filing such deed of trust or mortgage in the office of the secretary of state. When so filed, such instrument shall remain effective until terminated, without the need for filing a continuation statement. Assignments and releases of such instruments may also be filed in the office of the secretary of state. The secretary of state shall be a filing officer for the foregoing purposes, and the uniform fee for filing, indexing and furnishing filing data pursuant to this subsection shall be five dollars.

RCW 62A.9-403  
amended.

Sec. 5. Section 9-403, chapter 157, Laws of 1965 extraordinary session and RCW 62A.9-403 are each amended to read as follows:

*What Constitutes Filing; Duration of Filing; Effect of Lapsed Filing; Duties of Filing Officer.* (1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this Article.

Uniform  
Commercial  
Code—  
Secured trans-  
actions—  
Filing.

(2) A filed financing statement which states a maturity date of the obligation secured of five years or less is effective until such maturity date and thereafter for a period of sixty days. Any other filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such sixty day period after a stated maturity date or on the expiration of such five year period, as the case may be, unless a continuation statement is filed prior to the lapse. Upon such lapse the security interest becomes unperfected. A filed financing statement which states that the obligation secured is payable on demand is effective for five years from the date of filing.

(3) A continuation statement may be filed by the secured party (i) within six months before and sixty days after a stated maturity date of five years or less, and (ii) otherwise within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original

Uniform Com-  
mercial Code  
—Secured  
transactions—  
Filing.

statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it.

(4) A filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The uniform fee for filing, indexing and furnishing filing data for an original or a continuation statement on a form conforming to standards prescribed by the secretary of state shall be three dollars, but if the form of the statement does not conform to the standards prescribed by the secretary of state the uniform fee shall be five dollars.

RCW 62A.9-404  
amended.

Sec. 6. Section 9-404, chapter 157, Laws of 1965 extraordinary session and RCW 62A.9-404 are each amended to read as follows:

Secured trans-  
actions—Filing  
—Termination  
statement.

*Termination Statement.* (1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The uniform fee for filing and indexing such an assignment or statement thereof on a form conforming to standards prescribed by the secretary of state shall be one dollar,

but if the form of the statement does not conform to the standards prescribed by the secretary of state the uniform fee shall be two dollars. If the affected secured party fails to send such a termination statement within ten days after proper demand therefor he shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. The filing officer shall remove from the files, mark "terminated" and send or deliver to the secured party the financing statement and any continuation statement, statement of assignment or statement of release pertaining thereto.

(3) There shall be no fee for filing and indexing a termination statement including sending or delivering the financing statement.

Sec. 7. Section 9-405, chapter 157, Laws of 1965 extraordinary session and RCW 62A.9-405 are each amended to read as follows:

RCW 62A.9.405  
amended.

*Assignment of Security Interest; Duties of Filing Officer; Fees.* (1) A financing statement may disclose an assignment of a security interest in the collateral described in the statement by indication in the statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. Either the original secured party or the assignee may sign this statement as the secured party. On presentation to the filing officer of such a financing statement, the filing officer shall mark, hold, and index the same as provided in RCW 62A.9-403 (4), and shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing, and furnishing filing data for a financing statement so indicating an assignment on a form conforming to standards prescribed by the secretary of state shall be three dol-

Uniform  
Commercial  
Code—  
Secured trans-  
actions—Filing  
—Assignment  
of security in-  
terest.

Uniform  
Commercial  
Code—  
Secured trans-  
actions—Filing  
—Assignment  
of security in-  
terest.

lars, but if the form of the financing statement does not conform to the standards prescribed by the secretary of state the uniform fee shall be five dollars.

(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment on a form conforming to standards prescribed by the secretary of state shall be one dollar, but if the form of the financing statement does not conform to the standards prescribed by the secretary of state the uniform fee shall be two dollars.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

RCW 62A.2-403  
amended.

Sec. 8. Section 2-403, chapter 157, Laws of 1965 extraordinary session and RCW 62A.2-403 are each amended as follows:

Sales—Title—  
Power to  
transfer, good  
faith purchaser  
of goods.

(1) A purchaser of goods acquires all title which his transferor had or had power to transfer except that a purchaser of a limited interest acquires rights only to the extent of the interest purchased. A person with voidable title has power to transfer a good title to a good faith purchaser for value. When goods have been delivered under a

transaction of purchase the purchaser has such power even though

(a) the transferor was deceived as to the identity of the purchaser, or

(b) the delivery was in exchange for a check which is later dishonored, or

(c) it was agreed that the transaction was to be a "cash sale".

(2) Any entrusting of possession of goods to a merchant who deals in goods of that kind gives him power to transfer all rights of the entruster to a buyer in ordinary course of business.

(3) "Entrusting" includes any delivery and any acquiescence in retention of possession regardless of any condition expressed between the parties to the delivery or acquiescence and regardless of whether the procurement of the entrusting or the possessor's disposition of the goods have been such as to be larcenous under the criminal law.

(4) The rights of other purchasers of goods and of lien creditors are governed by the Articles on Secured Transactions (Article 9), Bulk Transfers (Article 6) and Documents of Title (Article 7).

Sec. 9. Section 9-406, chapter 157, Laws of 1965 extraordinary session and RCW 62A.9-406 are each amended to read as follows:

RCW 62A.9-406 amended.

*Release of Collateral; Duties of Filing Officer; Fees.* A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. Upon presentation of such a statement to the filing officer he shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing

Secured transactions—Filing—Release of collateral.

Uniform Commercial Code—Secured transactions.

statement. The uniform fee for filing and noting such a statement of release on a form conforming to standards prescribed by the secretary of state shall be one dollar, but if the form of the statement does not conform to the standards prescribed by the secretary of state the uniform fee shall be two dollars.

RCW 62A.9-407 amended.

Sec. 10. Section 9-407, chapter 157, Laws of 1965 extraordinary session and RCW 62A.9-407 are each amended to read as follows:

Secured transaction—Filing—Information from filing officers.

*Information From Filing Officer.* (1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be two dollars. Upon request the filing officer shall furnish a copy of any filed financing statements or statements of assignment for a uniform fee of four dollars for each particular debtor's statements requested.

New section designated 62A.9-408.

Sec. 11. There is added to chapter 157, Laws of 1965 extraordinary session a new section to be known as section 9-408 and to Article 62A.9 RCW a new section to be known as RCW 62A.9-408 to read as follows:

*Presigning of Security Agreements and Financing Statements; Prefiling of Financing Statements.*

(1) Although signed prior to midnight June 30, 1967, a security agreement and a financing statement has the same effect as if signed after said time.

Secured transactions—Filing —Presigning of security agreements and financing statements, prefiling of financing statements.

(2) The provisions of this title and of all other laws relating to financing statements and the filing of financing statements apply to financing statements filed prior to midnight June 30, 1967, notwithstanding that this Title had not yet taken effect. Notwithstanding the date and hour of filing marked on the statement, each financing statement so prefled is deemed to have been filed on the date and hour when this Title became effective.

Sec. 12. There is added to chapter 157, Laws of 1965 extraordinary session and to Article 62A.9 RCW a new section to read as follows:

New section.

In relation to Article 62A.9 RCW:

(1) The secretary of state may by rule prescribe standard filing forms and uniform procedures for filing with, and obtaining information from, filing officers.

Secured transactions—Filing —Secretary of state to prescribe standard forms.

(2) Unless a filing officer has filed with the secretary of state on or before June 1, 1967, his certificate that financing statements, as defined in RCW 62A.9-402, will not be accepted by him for filing on and after June 12, 1967, such filing officer shall accept such financing statements for filing on and after June 12, 1967. Financing statements so filed shall be received, marked, indexed and filed as provided in chapter 157, Laws of 1965 extraordinary session. The filing fees for filing such statements shall be as provided in chapter 157, Laws of 1965 extraordinary session, as amended.

Sec. 13. Section 2-706, chapter 157, Laws of 1965 extraordinary session and RCW 62A.2-706, are each amended to read as follows:

RCW 62A.2-706 amended.

*Seller's Resale Including Contract for Resale.*

(1) Under the conditions stated in Section 2-703 on

Uniform  
Commercial  
Code—  
Sales—Remedies—Seller's  
resale including contract  
for resale.

seller's remedies, the seller may resell the goods concerned or the undelivered balance thereof. Where the resale is made in good faith and in a commercially reasonable manner the seller may recover the difference between the resale price and the contract price together with any incidental damages allowed under the provisions of this Article (Section 2-710), but less expenses saved in consequence of the buyer's breach.

(2) Except as otherwise provided in subsection (3) or unless otherwise agreed resale may be at public or private sale including sale by way of one or more contracts to sell or of identification to an existing contract of the seller. Sale may be as a unit or in parcels and at any time and place and on any terms but every aspect of the sale including the method, manner, time, place and terms must be commercially reasonable. The resale must be reasonably identified as referring to the broken contract, but it is not necessary that the goods be in existence or that any or all of them have been identified to the contract before the breach.

(3) Where the resale is at private sale the seller must give the buyer reasonable notification of his intention to resell.

(4) Where the resale is at public sale

(a) only identified goods can be sold except where there is a recognized market for a public sale of futures in goods of the kind; and

(b) it must be made at a usual place or market for public sale if one is reasonably available and except in the case of goods which are perishable or threaten to decline in value speedily the seller must give the buyer reasonable notice of the time and place of the resale; and

(c) if the goods are not to be within the view of those attending the sale the notification of sale must state the place where the goods are located and

provide for their reasonable inspection by prospective bidders; and

(d) the seller may buy.

(5) A purchaser who buys in good faith at a resale takes the goods free of any rights of the original buyer even though the seller fails to comply with one or more of the requirements of this section.

(6) The seller is not accountable to the buyer for any profit made on any resale. A person in the position of a seller (Section 2-707) or a buyer who has rightfully rejected or justifiably revoked acceptance must account for any excess over the amount of his security interest, as hereinafter defined (subsection (3) of Section 2-711).

Sec. 14. There is added to chapter 11, Laws of 1961, and to chapter 15.48 RCW a new section to read as follows: New section.

As used in this chapter:

(1) "Seed bailment contract" means any bailment contract for the increase of agricultural seeds where the bailor retains title to seed, seed stock, plant life and the seed crop resulting therefrom.

Seed bailment  
contract—Defi-  
nitions.

(2) "Bailee" is any tenant farmer or landowner or both, who, for an agreed compensation agrees to plant agricultural seeds furnished by the bailor and to care for, cultivate, harvest and deliver to the bailor the seed resulting therefrom.

(3) "Bailor" is any seed contractor who delivers agricultural seed to a bailee under the terms of a seed bailment contract which requires the bailee to plant, care for, cultivate, harvest and deliver the resultant seed crop to the bailor and requires the bailor to pay the bailee the amount of compensation agreed upon in the contract for the bailees' services in producing the seed.

Sec. 15. There is added to chapter 11, Laws of 1961 and to chapter 15.48 RCW a new section to read as follows: New section.

Seed bailment contracts—No security interest under Uniform Commercial Code.

Seed bailment contracts for the increase of agricultural seeds shall not create a security interest under the terms of the Uniform Commercial Code, chapter 62A.9 RCW. No filing, recording or notice of a seed bailment contract shall be required under any of the laws of the state to establish, during the term of a seed bailment contract the validity of any such contracts, nor to establish and confirm in the bailor the title to all seed, seed stock, plant life and the resulting seed crop thereof grown or produced by the bailee under the terms of a bailment contract.

New section.

Sec. 16. There is added to chapter 11, Laws of 1961 and to chapter 15.48 RCW a new section to read as follows:

Payment of moneys pursuant to.

All payments of money required by the terms of a seed bailment contract to be made by a bailor to a bailee shall be subject to security interests perfected as required by chapter 62A.9 RCW, as amended, and all agricultural liens provided for and perfected in accordance with Title 60, RCW.

Emergency, application to parts of act.

Sec. 17. This 1967 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and sections 1 through 11 and 13 through 16 shall take effect on June 30, 1967, and section 12 shall take effect immediately.

Passed the Senate March 8, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 115.

[Senate Bill No. 252.]

CITY OR TOWN STREETS AS PART OF STATE HIGHWAYS.

AN ACT relating to city or town streets used as part of state highways; and amending section 47.24.020, chapter 13, Laws of 1961 as amended by section 1, chapter 150, Laws of 1963 and RCW 47.24.020.

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

Section 1. Section 47.24.020, chapter 13, Laws of 1961 as amended by section 1, chapter 150, Laws of 1963 and RCW 47.24.020 are each amended to read as follows:

RCW 47.24.020 amended.

The jurisdiction, control and duty of the state and city or town with respect to such streets shall be as follows:

City or town streets as part of state highways.

(1) The state highway commission shall have no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the state highway commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes: *Provided*, That within incorporated cities and towns the title to a limited access facility, after purchase and construction by the state alone, shall vest in the state, and the Washington state highway commission shall exercise full jurisdiction, responsibility and control to, and over, such facility as provided in chapter 47.52, as amended;

(3) The state highway commission shall have authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway pur-

City or town streets as part of state highways.

poses up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and shall have the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town shall have the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway: *Provided*, That in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the state census board, the state, when necessary for public safety, shall assume, at its expense, responsibility, for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself: *Provided further*, That the state shall install, maintain and operate all illuminating facilities on any limited access facility, together with their interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance and operation incurred after November 1, 1954;

(7) The state highway commission shall have the right to utilize all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the state highway commission, the cost of such facilities shall be borne by the state and/or city as may be mutually agreed upon between the state highway

commission and the governing body of the city or town;

(8) Cities and towns shall have exclusive right to grant franchises, not in conflict with state laws, over, beneath and upon such streets but the state highway commission shall be authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town shall have granted on such street: *Provided*, That no franchise for transportation of passengers in motor vehicles shall be granted on such streets without the approval of the state highway commission but the state highway commission shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town shall have the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the state highway commission;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto shall be subject to the approval of the state highway commission before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state

City or town  
streets as part  
of state high-  
ways.

laws shall become null and void unless approved by the state highway commission heretofore or within one year after March 21, 1963;

(12) The state highway commission shall erect, control and maintain at state expense all route markers, and directional signs, except street signs, on such streets;

(13) The state highway commission shall install, operate, maintain and control at state expense all traffic control signals, signs and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the state census board: *Provided*, That such cities and towns may submit to the state highway commission a plan for traffic control signals, signs and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the state highway commission shall consult with the cities or towns concerning the same prior to installing such signals, signs, or devices. Cities and towns having a population in excess of fifteen thousand according to the latest determination of population by the state census board shall install, maintain, operate and control such signals, signs and devices at their own expense, subject to approval of the state highway commission for the installation and type only. For the purpose of this subdivision striping, lane marking and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets shall belong to the city or town;

(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring

rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all rights of way so acquired shall vest in the city or town: *Provided*, That no vacation, sale or rental of any unused portion of any such street shall be made by the city or town without the approval of the state highway commission; and all revenue derived from sale, vacation or rental of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town shall fail to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the state highway commission for the maintenance of a city or town street forming part of the route of a state highway, the state highway commission may notify the mayor of such town to perform such necessary maintenance within thirty days. If the city or town within such thirty days shall fail to perform such maintenance or fail to authorize the state highway commission to perform such maintenance as provided by RCW 47.24.050, the state highway commission may perform such maintenance, the cost of which is to be deducted from any sums in the motor vehicle fund credited or to be credited to such city or town.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 116.

[Senate Bill No. 250.]

STATE UNIVERSITIES—SALE OR EXCHANGE OF  
LANDS.

AN ACT relating to public lands, and empowering the board of regents of the state universities to sell or exchange real property for public purposes.

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

University of  
Washington  
sale or ex-  
change of real  
property.

Section 1. The board of regents of the University of Washington is empowered to sell and convey to the state of Washington, department of highways, the interest of the University of Washington and of the state of Washington in such portion of the east one-half of the northeast one-quarter of section 16, township 25 north, range 4 east, W. M., and block 7, Lake Washington shore lands, together with vacated portion of Lakeside Boulevard N. E., adjoining, and in lots 12, 13 and 14, block 7, Belvoir, an addition to the city of Seattle, according to plat thereof recorded in volume 29 of plats, page 2, records of King county, Washington; all of block 6, map of Lake Washington shore lands, and that portion of government lot 2, section 15, township 25 north, range 4 east, W. M. lying south of northeast 41st street as now located and established, and west of the west line of Belvoir, according to plat thereof recorded in volume 29 of plats, page 2, records of King county, Washington, all in King county, state of Washington, as may be required by the highway department for the construction of the R. H. Thomson expressway, a limited access primary federal aid highway.

The highway department shall pay to the University of Washington the fair market value of the property involved in any such sale and such moneys paid shall be used solely for the purpose of acquiring real property adjacent to the University of

Washington campus required for university purposes.

The board of regents of the University of Washington is empowered to execute and deliver a deed conveying to the state of Washington all of the right, title and interest of the University of Washington in the property sold. If any property conveyed under the authority of this bill lies within one hundred and fifty yards of the westerly boundary of Surber Drive N.E., none of the property lying within this one hundred and fifty yard limitation shall be used for any highway use except for buffer or screening purposes.

Sec. 2. The board of regents of Washington State University is authorized to exchange all or part of the following described property in Whitman county, state of Washington: South half of section 34, township 15 north, range 45, E. W. M., situated in Whitman county. In exchange for the real property above described, the board of regents of Washington State University is authorized to acquire property for university purposes of equal value as determined by two competent, disinterested appraisers.

Washington State University to sell and acquire certain lands.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 117.

[Senate Bill No. 251.]

HIGHWAYS—ACQUISITIONS TO PRESERVE LIMITED ACCESS OR REDUCE COMPENSATION.

AN ACT relating to public highways; and amending section 47.52.105, chapter 13, Laws of 1961 and RCW 47.52.105.

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

RCW 47.52.105 amended.

Section 1. Section 47.52.105, chapter 13, Laws of 1961 and RCW 47.52.105 are each amended to read as follows:

Highways—Acquisition to preserve limited access or reduce compensation.

Whenever, in the opinion of the Washington state highway commission, frontage or service roads in connection with limited access facilities, are not feasible either from an engineering or economic standpoint, the highway commission may acquire private or public property by purchase or condemnation and construct any road, street or highway thereon connecting to or leading into any other road, street or highway, when by so doing, it will preserve a limited access facility or reduce compensation required to be paid to an owner by reason of reduction in or loss of access. The commission shall provide by agreement with a majority of the board of county commissioners or city governing body of the county or city concerned as to location, future maintenance and control of any road, street or highway to be so constructed. Such road, street or highway need not be made a part of said state highway system or connected thereto, but may upon completion by the state be turned over to the county or city, as the case may be, for location, maintenance and control pursuant to the agreement as part of said system of such county roads or city streets.

Passed the Senate February 6, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 118.

[Substitute Senate Bill No. 409.]

## VOCATIONAL REHABILITATION.

AN ACT relating to vocational rehabilitation; amending section 2, chapter 176, Laws of 1933, as amended by section 1, chapter 223, Laws of 1957, and RCW 28.10.010; amending section 3, chapter 176, Laws of 1933, as last amended by section 1, chapter 135, Laws of 1963, and RCW 28.10.030; amending section 5, chapter 176, Laws of 1933, as last amended by section 5, chapter 223, Laws of 1957, and RCW 28.10.050; repealing section 1, chapter 176, Laws of 1933, as amended by section 2, chapter 223, Laws of 1957, and RCW 28.10.020; repealing section 4, chapter 223, Laws of 1957 and RCW 28.10.032; repealing section 4, chapter 176, Laws of 1933, and RCW 28.10.040; repealing section 1, chapter 75, Laws of 1935 and RCW 28.10.060; repealing section 1, chapter 307, Laws of 1959, as amended by section 1, chapter 134, Laws of 1963, and RCW 28.10.070; repealing section 72.33.060, chapter 28, Laws of 1959 and RCW 72.33.060; repealing section 74.11.010, chapter 26, Laws of 1959, as amended by section 1, chapter 118, Laws of 1963, and RCW 74.11.010; repealing section 74.11.020, chapter 26, Laws of 1959, as amended by section 2, chapter 118, Laws of 1963, and RCW 74.11.020; repealing section 74.11.030, chapter 26, Laws of 1959, as amended by section 3, chapter 118, Laws of 1963, and RCW 74.11.030; repealing section 74.11.040, chapter 26, Laws of 1959, as last amended by section 1, chapter 35, Laws of 1965, and RCW 74.11.040; repealing section 74.11.050, chapter 26, Laws of 1959 and RCW 74.11.050; repealing section 74.11.060, chapter 26, Laws of 1959 and RCW 74.11.060; repealing section 74.11.070, chapter 26, Laws of 1959, as amended by section 5, chapter 118, Laws of 1963, and RCW 74.11.070; adding new sections to chapter 176, Laws of 1933 and to chapter 28.10 RCW; and establishing an effective date of this act.

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

Section 1. The purposes of this act are (1) to rehabilitate vocationally handicapped persons so that they may prepare for and engage in a gainful occupation; (2) to provide persons with physical or mental disabilities with a program of services which will result in greater opportunities for them to enter more fully into the life of the community; (3) to

Vocational re-  
habilitation.  
Purpose.

Vocational re-  
habilitation.  
Purpose.

promote activities which will assist the vocationally handicapped to reach their fullest potential; and (4) to encourage and develop facilities and other resources needed by the handicapped.

RCW 28.10.010  
amended.

Sec. 2. Section 2, chapter 176, Laws of 1933, as amended by section 1, chapter 223, Laws of 1957, and RCW 28.10.010 are each amended to read as follows:

Definitions.

(1) "Handicapped person" means any individual:

(a) Who has a physical or mental disability, which constitutes a substantial handicap to employment, of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a gainful occupation consistent with his capacities and abilities; or

(b) Who, because of lack of social competence or mobility, experience, skills, training, or other factors, is in need of vocational rehabilitation services in order to become fit to engage in a gainful occupation or to attain or maintain a maximum degree of self-support or self-care; or

(c) For whom vocational rehabilitation services are necessary to determine rehabilitation potential.

(2) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning. The term includes behavioral disorders characterized by deviant social behavior or impaired ability to carry out normal relationships with family and community which may result from vocational, educational, cultural, social, environmental or other factors.

(3) "Vocational rehabilitation services" means goods or services provided handicapped persons to enable such persons to be fit for gainful occupation or to attain or maintain a maximum degree of self-

support or self-care and includes every type of goods and services for which federal funds are available for vocational rehabilitation purposes, including, but not limited to, the establishment, construction, development, operation and maintenance of workshops and rehabilitation facilities.

(4) "Self-care" means a reasonable degree of restoration from dependency upon others for personal needs and care and includes but is not limited to ability to live in own home, rather than requiring nursing home care and care for self rather than requiring attendant care.

(5) "State agency" means the state board for vocational education or any agency which supercedes the state board for vocational education and which administers or supervises the administration of vocational education in the state.

**NOTE:** See also section 41, chapter 8, Laws of 1967 ex. sess.

Sec. 3. There is added to chapter 176, Laws of 1933 and to chapter 28.10 RCW a new section to read as follows:

The agency heretofore designated in RCW 28.10.020 as "the division of vocational rehabilitation" shall be known as "the office of vocational rehabilitation," and the change in name of such agency shall not affect the rights and duties of the employees thereof, who shall continue to perform their same functions upon the same terms and conditions, and with the same accrued employee benefits, as heretofore.

**NOTE:** See also section 73 (38), chapter 8, Laws of 1967 ex. sess.

Sec. 4. There is added to chapter 176, Laws of 1933 and to chapter 28.10 RCW a new section to read as follows:

The state agency shall administer vocational rehabilitation services in this state through the office of vocational rehabilitation, which office shall be the organizational unit of the state agency responsible

Office of vocational rehabilitation.

for the performance of the state agency's vocational rehabilitation program. The administrator of the office of vocational rehabilitation shall be appointed by, and serve at the pleasure of, the state agency and shall have primary responsibility for the performance of all powers, duties and functions of the office of vocational rehabilitation.

New section.

Sec. 5. There is added to chapter 176, Laws of 1933 and to chapter 28.10 RCW a new section to read as follows:

Powers and duties of the "state agency"

The state agency shall:

- (1) Develop a state-wide vocational rehabilitation program;
- (2) Adopt rules, in accord with chapter 34.04 RCW, necessary to carry out the purposes of this 1967 amendatory act;
- (3) Report annually to the governor, and to the legislature at least ten days prior to each regular session, on the administration of this 1967 amendatory act.

RCW 28.10.030 amended.

Sec. 6. Section 3, chapter 176, Laws of 1933, as last amended by section 1, chapter 135, Laws of 1963, and RCW 28.10.030 are each amended to read as follows:

Office of vocational rehabilitation—Powers and duties.

The office of vocational rehabilitation shall:

- (1) Provide vocational rehabilitation services to handicapped persons, including the placing of such persons in gainful occupations;
- (2) Disburse all funds provided by law and may receive, accept and disburse such gifts, grants, conveyances, devises and bequests of real and personal property from public or private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out vocational rehabilitation services as specified by law and the regulations of the state agency; and may sell, lease or exchange real or per-

sonal property according to the terms and conditions thereof. Any money so received shall be deposited in the state treasury for investment, reinvestment or expenditure in accordance with the conditions of its receipt and RCW 43.88.180;

(3) Appoint and fix the compensation, and prescribe the duties, of the personnel necessary for the administration of this 1967 amendatory act, unless otherwise provided by law;

(4) Make exploratory studies, make reviews, and do research relative to vocational rehabilitation.

**NOTE:** See also section 42, chapter 8, Laws of 1967 ex. sess.

Sec. 7. There is added to chapter 176, Laws of 1933 and to chapter 28.10 RCW a new section to read as follows: New section.

The office of vocational rehabilitation shall make available vocational rehabilitation services to the departments of institutions, labor and industries, public assistance, and employment security, and other state or other public agencies, in accordance with cooperative agreements between the office of vocational rehabilitation and the respective agencies. Cooperation with other state agencies.

**NOTE:** See also section 45, chapter 8, Laws of 1967 ex. sess.

Sec. 8. There is added to chapter 176, Laws of 1933 and to chapter 28.10 RCW a new section to read as follows: New section.

The office of vocational rehabilitation may purchase, from any source, by contract, vocational rehabilitation services for handicapped persons, payments for such services to be made subject to procedures and fiscal controls approved by the budget director. The performance of and payment for such services shall be subject to post audit review by the state auditor. Contracts for vocational rehabilitation services.

**NOTE:** See also section 46, chapter 8, Laws of 1967 ex. sess.

RCW 28.10.050 amended.

Sec. 9. Section 5, chapter 176, Laws of 1933, as last amended by section 5, chapter 223, Laws of 1957, and RCW 28.10.050 are each amended to read as follows:

Vocational rehabilitation—State acceptance of federal acts.

The state of Washington does hereby:

(1) Accept the provisions and maximum possible benefits resulting from any acts of congress which provide benefits for the purposes of this chapter;

(2) Designate the state treasurer as custodian of all moneys received by the state from appropriations made by the congress of the United States for purposes of this 1967 amendatory act, and authorize the state treasurer to make disbursements therefrom upon the order of the office of vocational rehabilitation; and

(3) Empower and direct the state agency to cooperate with the federal government in carrying out the provisions of this 1967 amendatory act or of any federal law or regulation pertaining to vocational rehabilitation, and to comply with such conditions as may be necessary to assure the maximum possible benefits resulting from any such federal law or regulation.

NOTE: See also section 43, chapter 8, Laws of 1967 ex. sess.

New section.

Sec. 10. There is added to chapter 176, Laws of 1933 and to chapter 28.10 RCW a new section to read as follows:

Construction—Conflict with federal law or regulations.

If any part of this 1967 amendatory act shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this 1967 amendatory act is hereby declared to be inoperative solely to the extent of such conflict, and such findings or determination shall not affect the operation of the remainder of this 1967 amendatory act.

Sec. 11. The following acts or parts of acts are hereby repealed: Repeal.

(1) Section 4, chapter 223, Laws of 1957 and RCW 28.10.032;

(2) Section 4, chapter 176, Laws of 1933 and RCW 28.10.040;

(3) Section 1, chapter 75, Laws of 1935 and RCW 28.10.060;

(4) Section 1, chapter 307, Laws of 1959, as amended by section 1, chapter 134, Laws of 1963, and RCW 28.10.070;

(5) Section 72.33.060, chapter 28, Laws of 1959 and RCW 72.33.060;

(6) Section 74.11.010, chapter 26, Laws of 1959, as amended by section 1, chapter 118, Laws of 1963, and RCW 74.11.010;

(7) Section 74.11.020, chapter 26, Laws of 1959, as amended by section 2, chapter 118, Laws of 1963, and RCW 74.11.020;

(8) Section 74.11.030, chapter 26, Laws of 1959, as amended by section 3, chapter 118, Laws of 1963, and RCW 74.11.030;

(9) Section 74.11.040, chapter 26, Laws of 1959, as last amended by section 1, chapter 35, Laws of 1965, and RCW 74.11.040;

(10) Section 74.11.050, chapter 26, Laws of 1959 and RCW 74.11.050;

(11) Section 74.11.060, chapter 26, Laws of 1959 and RCW 74.11.060;

(12) Section 74.11.070, chapter 26, Laws of 1959, as amended by section 5, chapter 118, Laws of 1963, and RCW 74.11.070; and

(13) Section 1, chapter 176, Laws of 1933, as amended by section 2, chapter 223, Laws of 1957, and RCW 28.10.020.

Sec. 12. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1967 amenda- Severability.

tory act, or the application of the provision to other persons or circumstances is not affected.

Emergency.

Sec. 13. This 1967 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on April 1, 1967.

Passed the Senate March 1, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 119.

[Senate Bill No. 486.]

CITIES AND TOWNS—CONVERTING OVERHEAD  
ELECTRIC AND COMMUNICATIONS FACILITIES TO  
UNDERGROUND FACILITIES.

AN ACT relating to cities and towns; authorizing the conversion of overhead electric and communication facilities to underground facilities; authorizing contracts with electric utilities and communication utilities to effect such conversion; authorizing the establishment of local improvement districts to carry out the purposes of this act; requiring the removal of existing overhead service lines; and adding a new chapter to chapter 7, Laws of 1965 and to Title 35 RCW.

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

New chapter to Title 35.

Section 1. There is added to chapter 7, Laws of 1965 and to Title 35 RCW a new chapter to read as set forth in sections 2 through 10 of this act.

Cities and towns—Conversion of overhead wires to underground facilities.

Sec. 2. It is hereby found and declared that the conversion of overhead electric and communication facilities to underground facilities is substantially beneficial to the public safety and welfare, is in the public interest and is a public purpose, notwithstanding any resulting incidental private benefit to

any electric or communication utility affected by such conversion.

Sec. 3. As used in this act, unless specifically defined otherwise, or unless the context indicates otherwise: Definitions.

“Conversion area” means that area in which existing overhead electric and communication facilities are to be converted to underground facilities pursuant to the provisions of this act.

“Electric utility” means any publicly or privately owned utility engaged in the business of furnishing electric energy to the public in all or part of the conversion area and includes electrical companies as defined by RCW 80.04.010 and public utility districts.

“Communication utility” means any utility engaged in the business of affording telephonic, telegraphic, cable television or other communication service to the public in all or part of the conversion area and includes telephone companies and telegraph companies as defined by RCW 80.04.010.

Sec. 4. Every city or town shall have the power to convert existing overhead electric and communication facilities to underground facilities pursuant to RCW 35.43.190 where such facilities are owned or operated by the city or town. Where such facilities are not so owned or operated, every city or town shall have the power to contract with electric and communication utilities, as hereinafter provided, for the conversion of existing overhead electric and communication facilities to underground facilities. To provide funds to pay the whole or any part of the cost of any such conversion, either where the existing overhead electric and communication facilities are owned or operated by the city or town or where they are not so owned or operated, every city or town shall have the power to create local im-

Powers of cities and towns pursuant to.

Conversion of overhead wires to underground facilities.

provement districts and to levy and collect special assessments against the real property specially benefited by such conversion. For the purpose of ascertaining the amount to be assessed against each lot or parcel of land within any local improvement district established pursuant to this act, in addition to other methods provided by law for apportioning special benefits, the legislative authority of any city or town may apportion all or part of the special benefits accruing on a square footage basis or on a per lot basis.

Additional powers—Contract for conversion—Contents of contracts.

Sec. 5. Every city or town shall have the power to contract with electric and communication utilities for the conversion of existing overhead electric and communication facilities to underground facilities including all work incidental to such conversion. Such contracts may include, among other provisions, any of the following:

(1) For the supplying and approval by electric and communication utilities of plans and specifications for such conversion;

(2) For the payment to the electric and communication utilities for any work performed or services rendered by it in connection with the conversion project;

(3) For the payment to the electric and communication utilities for the value of the overhead facilities removed pursuant to the conversion;

(4) For ownership of the underground facilities by the electric and communication utilities.

Conversion—Notice—Objections—Disconnection—Hearing.

Sec. 6. When service from the underground electric and communication facilities is available in all or part of a conversion area, the city or town shall mail a notice to the owners of all structures or improvements served from the existing overhead facilities in the area, which notice shall state that:

(1) Service from the underground facilities is available;

(2) All electric and communication service lines from the existing overhead facilities within the area to any structure or improvement must be disconnected and removed within ninety days after the date of the mailing of the notice;

(3) Should such owner fail to convert such service lines from overhead to underground within ninety days after the date of the mailing of the notice, the city or town will order the electric and communication utilities to disconnect and remove the service lines;

(4) Should the owner object to the disconnection and removal of the service lines he may file his written objections thereto with the city or town clerk within thirty days after the date of the mailing of the notice and failure to so object within such time will constitute a waiver of his right thereafter to object to such disconnection and removal.

If the owner of any structure or improvement served from the existing overhead electric and communication facilities within a conversion area shall fail to convert to underground the service lines from such overhead facilities to such structure or improvement within ninety days after the mailing to him of the notice, the city or town shall order the electric and communication utilities to disconnect and remove all such service lines: *Provided*, That if the owner has filed his written objections to such disconnection and removal with the city or town clerk within thirty days after the mailing of the notice then the city or town shall not order such disconnection and removal until after the hearing on such objections.

Upon the timely filing by the owner of objections to the disconnection and removal of the service lines, the legislative authority of such city or town,

Conversion—  
Notice—Objec-  
tions—Discon-  
nection—  
Hearing.

or a committee thereof, shall conduct a hearing to determine whether the removal of all or any part of the service lines is in the public benefit. The hearing shall be held at such time as the legislative authority of such city or town may establish for hearings on the objections and shall be held in accordance with the regularly established procedure set by the legislative authority of the city or town. If the hearing is before a committee, the committee shall following the hearing report its recommendation to the legislative authority of the city or town for final action. The determination reached by the legislative authority shall be final in the absence of an abuse of discretion.

Application.

Sec. 7. Unless otherwise provided in this act, the general provisions relating to local improvements in cities and towns including but not limited to chapters 35.43, 35.44, 35.45, 35.48, 35.49, 35.50, 35.53 and 35.54 RCW shall apply to local improvements authorized by this act.

Validation of  
prior actions.

Sec. 8. All debts, contracts and obligations heretofore made or incurred by or in favor of any city or town incident to the conversion of overhead electric and communication facilities to underground facilities and all bonds, warrants, or other obligations issued by any such city or town, or by any local improvement district created to effect such conversion and any and all assessments heretofore levied in any such local improvement district, and all other things and proceedings relating thereto are hereby declared to be legal and valid and of full force and effect from the date thereof.

Severability.

Sec. 9. If any provisions 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.

Sec. 10. The authority granted by this act shall be considered an alternative and additional method for converting existing overhead electric and communication facilities to underground facilities, and for paying all or part of the cost thereof, and shall not be construed as a restriction or limitation upon any other authority for or method of converting any such facilities or placing such facilities underground or paying all or part of the cost thereof, including, but not limited to, existing authority or methods under chapter 35.43 RCW and chapter 35.44 RCW.

Authority granted is additional and alternate.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 120.

[Substitute Senate Bill No. 414]

### SEASHORE CONSERVATION.

AN ACT relating to seashore conservation; authorizing the establishment on certain state-owned coastal lands of the Washington State Seashore Conservation Area; providing for the administration thereof; prescribing certain powers and duties with respect thereto; defining the jurisdiction of certain state agencies; redesignating and amending section 46.08.180, chapter 12, Laws of 1961 and RCW 46.08.180; adding new sections to chapter 8, Laws of 1965 and to chapter 43.51 RCW; repealing chapter 78, Laws of 1929 (uncodified); and declaring an emergency.

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

Section 1. The beaches bounding the Pacific Ocean from the Straits of Juan de Fuca to Cape Disappointment at the mouth of the Columbia River constitute some of the last unspoiled seashore remaining in the United States. They provide the public with almost unlimited opportunities for rec-

Seashore conservation areas—Purpose.

Seashore  
conservation  
areas—Purpose.

reational activities, like swimming, surfing and hiking; for outdoor sports, like hunting, fishing, clamming, and boating; for the observation of nature as it existed for hundreds of years before the arrival of white men; and for relaxation away from the pressures and tensions of modern life. In past years, these recreational activities have been enjoyed by countless Washington citizens, as well as by tourists from other states and countries. The number of people wishing to participate in such recreational activities grows annually. This increasing public pressure makes it necessary that the state dedicate the use of the ocean beaches to public recreation and to provide certain recreational and sanitary facilities. Nonrecreational use of the beach must be strictly limited. Even recreational uses must be regulated in order that Washington's unrivaled seashore may be saved for our children in much the same form as we know it today.

Establishment.

Sec. 2. There is established for the recreational use and enjoyment of the public the Washington State Seashore Conservation Area. It shall include all lands now or hereafter under state ownership lying between Cape Disappointment and Leadbetter Point; between Toke Point and the South jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation and occupying the area between the present line of ordinary high tide and the line of extreme low tide, as this line now is or may hereafter be located: *Provided*, That no such Conservation Area shall include any lands within the established boundaries of any Indian Reservation.

Administration  
—State parks  
and recreation  
commission.

Sec. 3. Except as otherwise provided in this 1967 amendatory act, the Washington State Seashore Conservation Area shall be under the jurisdiction of the Washington state parks and recreation commis-

sion, which shall administer the act in accordance with the powers granted it herein and under the appropriate provisions of chapter 43.51 RCW.

Sec. 4. The Washington state parks and recreation commission shall administer the Washington State Seashore Conservation Area in harmony with the broad principles set forth in section 1 of this 1967 amendatory act. Where feasible, the area shall be preserved in its present state; everywhere it shall be maintained in the best possible condition for public use. All forms of public outdoor recreation shall be permitted and encouraged in the area, unless specifically excluded or limited by the commission. While the primary purpose in the establishment of the area is to preserve the coastal beaches for public recreation, other uses shall be allowed as provided in this 1967 amendatory act, or when found not inconsistent with public recreational use by the Washington state parks and recreation commission.

Utilization.

Sec. 5. In administering the Washington State Seashore Conservation Area, the Washington state parks and recreation commission shall seek the cooperation and assistance of federal agencies, other state agencies, and local political subdivisions. All state agencies, and the governing officials of each local subdivision shall cooperate with the commission in carrying out its duties. Except as otherwise provided in this 1967 amendatory act, and notwithstanding any other provision of law, other state agencies and local subdivisions shall perform duties in the Washington State Seashore Conservation Area which are within their normal jurisdiction, except when such performance clearly conflicts with the purposes of this 1967 amendatory act.

Cooperation of other state and federal agencies.

Sec. 6. Nothing in this 1967 amendatory act shall be construed to interfere with the powers, duties

Seashore  
conservation  
areas—Powers,  
duties of de-  
partment of  
fisheries and  
game pre-  
served.

and authority of the department of fisheries to regulate the conservation or taking of food fish and shellfish. Nor shall anything in this act 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.

RCW 46.08.180  
amended and  
redesignated.

Sec. 7. Section 46.08.180, chapter 12, Laws of 1961 and RCW 46.08.180 are respectively redesignated as part of chapter 8, Laws of 1965 and of chapter 43.51 RCW and are each amended to read as follows:

Traffic control.

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, 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. 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.

Accreted lands  
—Limitation.

Sec. 8. Subject to the qualification contained in section 9 of this 1967 amendatory act, any accreted lands now or hereafter under the jurisdiction of the department of natural resources shall remain under the jurisdiction of that department: *Provided,* That no accreted lands shall be sold, leased, or otherwise disposed of, except as herein provided. The depart-

ment of natural resources may lease the lands within the Washington State Seashore Conservation Area as well as the accreted lands along the ocean in state ownership for the exploration and production of oil and gas: *Provided*, That oil drilling rigs and equipment will not be placed on the seashore conservation area or state-owned accreted lands. Sale of sand from accretions shall be limited to the needs of cranberry growers in the vicinity and shall not be prohibited if found by the department of natural resources to be reasonable, and not generally harmful or destructive to the character of the land; and such sales may be made by the department of natural resources from sands on the Washington State Seashore Conservation Area if approved by the state parks and recreation commission: *Provided further*, That the department of natural resources may grant mining leases for the removal of "black sands" (minerals) from any state-owned nontrust accreted lands between the north jetty at the mouth of the Columbia River and a line due west from the North Head lighthouse: *Provided further*, That net income from such leases shall be transmitted by the department of natural resources to the state treasurer for deposit in the state parks and parkways account in the general fund for expenditure by the state parks and recreation commission for the development and protection of the Washington State Seashore Conservation Area and state park developments operated in conjunction therewith: *Provided*, The terms and conditions of such mining leases are agreeable to the state parks and recreation commission.

Sec. 9. The Washington state parks and recreation commission, after consultation with and agreement by the department of natural resources, shall have authority to establish sanitary facilities on, and spur roads through, accreted lands otherwise under

Establishment  
of facilities,  
spur roads.

the jurisdiction of the department of natural resources. The commission may decide where, when, and how such sanitary facilities and spur roads are to be built.

Repeal. Preservation of rights.

Sec. 10. Chapter 78, Laws of 1929 (uncodified) is hereby repealed: *Provided*, That the title of anyone who has purchased property under this act shall not be affected.

Seashore conservation areas—Accreted lands—Establishment of monuments—Notice.

Sec. 11. Where state-owned lands have been formed by natural or artificial causes between the inner or landside boundary of the Washington State Seashore Conservation Area and adjacent privately owned lands, the department of natural resources:

(1) Shall monument or otherwise visibly mark on the ground, as the boundary between such state-owned lands and adjacent lands, the line of ordinary high tide as it existed on the date of Washington statehood; and

(2) Shall thereafter publish notice once a week for not less than six weeks in a newspaper of general circulation in the county where such lands are situated in order that objections to the location of any monument or visible marker may be filed with the state commission for harbor lines at any time within thirty days after the date of the last publication.

Boundaries—Contested cases—Judicial review.

Sec. 12. Proceedings before the state commission for harbor lines as provided for in section 11 of this 1967 amendatory act shall be deemed contested cases and subject to all applicable provisions governing contested cases, including judicial review, as is or may be provided by chapter 34.04 RCW.

Boundary markers—Objections—Waiver.

Sec. 13. The state, its officers and agencies, persons filing objections with the state commission for harbor lines, and successors in interest to the state or persons filing objections shall be barred from

contesting the statehood line of ordinary high tide as monumented or marked in compliance with the order of the state commission for harbor lines, or if no objections are filed, as monumented by the department of natural resources.

Sec. 14. There is added to chapter 8, Laws of 1965 and to chapter 43.51 RCW a new subdivision to read as set forth in sections 1 through 9 and 11 through 13 of this 1967 amendatory act.

New subdivision to chapter 43.51 RCW.

Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, and the support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the Senate March 8, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 121.

[Senate Bill No. 285.]

### MOTOR VEHICLE EXCISE TAX.

AN ACT relating to the motor vehicle excise tax; amending section 82.44.110, chapter 15, Laws of 1961 and RCW 82.44.110; amending section 82.44.120, chapter 15, Laws of 1961 as amended by section 5, chapter 199, Laws of 1963 and RCW 82.44.120; and amending section 82.44.140, chapter 15, Laws of 1961 and RCW 82.44.140; amending section 82.44.010, chapter 15, Laws of 1961 as amended by section 1, chapter 199, Laws of 1963 and RCW 82.44.010.

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

Section 1. Section 82.44.110, chapter 15, Laws of 1961 and RCW 82.44.110 are each amended to read as follows:

RCW 82.44.110 amended.

Taxation.  
Motor vehicle  
excise tax.  
Disposition of  
revenue.

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of motor vehicles for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer, ninety-eight percent of which excise tax revenue shall upon receipt thereof be credited by the state treasurer to a fund which is hereby created to be known as the motor vehicle excise fund, and two percent of which excise tax revenue shall be credited by the state treasurer to the motor vehicle fund to defray administrative and other expenses incurred by the state department of motor vehicles in the collection of the excise tax.

RCW 82.44.120  
amended.

Sec. 2. Section 82.44.120, chapter 15, Laws of 1961 as amended by section 5, chapter 199, Laws of 1963 and RCW 82.44.120 are each amended to read as follows:

Refunds—  
Claims—Time  
limitations.

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 motor vehicles 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 tax commission and the association of county assessors.

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 ex-

cessive amount of excise tax, the department of motor vehicles 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.

No refund of excise tax shall be allowed under the first paragraph of this section unless application for a refund of license fee is filed with the director of motor vehicles within the period provided by law, and no such refund shall be allowed under the second paragraph of this section unless filed with the department of motor vehicles within thirteen months after such claimed excessive excise tax was paid.

Any person authorized by the public service 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

Refunds—  
Claims—Time  
limitations.

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 motor vehicles 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 motor vehicle excise 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 guilty of a gross misdemeanor.

RCW 82.44.140  
amended.

Sec. 3. Section 82.44.140, chapter 15, Laws of 1961 and RCW 82.44.140 are each amended to read as follows:

Director  
may act.

Any duties required by this chapter to be performed by the county auditor may be performed by any other person designated by the director of motor vehicles and authorized by him to receive motor vehicle license fees and issue receipt therefor.

RCW 82.44.010  
amended.

Sec. 4. Section 82.44.010, chapter 15, Laws of 1961 as amended by section 1, chapter 199, Laws of 1963 and RCW 82.44.010 are each amended to read as follows:

For the purposes of this chapter, unless context otherwise requires: Definitions.

“Motor vehicle” means all motor vehicles, trailers and semi-trailers used, or of the 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 and facilities for human habitation; but shall not include (1) vehicles carrying exempt licenses, (2) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other automotive equipment not designed primarily for use upon public streets, or highways, (3) motor vehicles or their trailers used entirely upon private property, (4) house trailers as defined in RCW 82.50.010, or (5) motor vehicles owned by nonresident military personnel of the armed forces of the United States stationed in the state of Washington provided personnel were also nonresident at the time of their entry into military service.

“Commission” or “tax commission” means the tax commission of the state.

Passed the Senate March 9, 1967.

Passed the House March 9, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 122.

[Senate Bill No. 315.]

LAW ENFORCEMENT OFFICERS' TRAINING.

AN ACT relating to the law enforcement officers' training; amending section 3, page 421, Laws of 1873 as last amended by section 16, chapter 158, Laws of 1965 and RCW 10.82.070; and providing an effective date.

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

RCW 10.82.070 amended.

Section 1. Section 3, page 421, Laws of 1873 as last amended by section 16, chapter 158, Laws of 1965 and RCW 10.82.070 are each amended to read as follows:

Criminal procedure. Disposition of fines, penalties and forfeitures.

Except as otherwise provided by law, all sums of money derived from fines imposed for violation of orders of injunction, mandamus and other like writs, or for contempt of court, and the net proceeds of all fines collected within the several counties of the state for breach of the penal laws, and all funds arising from the sale of lost goods and estrays, and from penalties and forfeitures, shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued, and shall be by him transmitted to the state treasurer, for deposit in the general fund. He shall indicate in such entry the source from which such money was derived.

Effective date.

Sec. 2. This amendatory act shall take effect on July 1, 1967.

Passed the Senate February 23, 1967.

Passed the House March 9, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 123.

[Senate Bill No. 104.]

CITIES AND TOWNS—VACATION OF  
STREETS—CHARTER PETITIONS.

AN ACT relating to cities and towns; and amending section 35.79.030, chapter 7, Laws of 1965 and RCW 35.79.030; and amending section 35.22.130, chapter 7, Laws of 1965 and RCW 35.22.130.

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

Section 1. Section 35.79.030, chapter 7, Laws of 1965 and RCW 35.79.030 are each amended to read as follows:

RCW 35.79.030  
amended.

The hearing on such petition may be held before the legislative authority, or before a committee thereof upon the date fixed by resolution or at the time said hearing may be adjourned to. If the hearing is before such a committee the same shall, following the hearing, report its recommendation on the petition to the legislative authority which may adopt or reject the recommendation. If such hearing be held before such a committee it shall not be necessary to hold a hearing on the petition before such legislative authority. If the legislative authority determines to grant said petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley, or any part thereof: *Provided*, That such ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services. A certified copy of such ordinance shall be recorded by the clerk of the legislative authority and in the office of the auditor of the county in which the vacated land is located.

Cities and  
towns. Streets  
Vacation.  
Hearing—  
Ordinance of  
vacation.

**NOTE: See also section 1, chapter 129, Laws of 1967 ex. sess.**

RCW 35.22.130 amended.

Sec. 2. Section 35.22.130, chapter 7, Laws of 1965 and RCW 35.22.130 are each amended to read as follows:

Cities and towns—Charter petitions.

A petition containing the demand for the submission of the proposed charter amendment or for an election to be held for the purpose of electing a board of freeholders for the purpose of preparing a new charter for the city as provided in RCW 35.22.140 shall be filed with the city clerk and each signer shall write his place of residence after his signature. This and RCW 35.22.120 do not deprive city councils of the right to submit proposed charter amendments but affords a concurrent and additional method of submission.

Passed the Senate March 8, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 124.

[Senate Bill No. 201.]

JUDICIAL COUNCIL.

AN ACT relating to the judicial council and the membership thereof; and amending section 1, chapter 45, Laws of 1925 extraordinary session as last amended by section 1, chapter 271, Laws of 1961 and RCW 2.52.010.

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

RCW 2.52.010 amended.

Section 1. Section 1, chapter 45, Laws of 1925, extraordinary session as last amended by section 1, chapter 271, Laws of 1961 and RCW 2.52.010 are each amended to read as follows:

Judicial council—Creation—Membership.

There is hereby established a judicial council which shall consist of the following:

(1) The chief justice and one other judge of the supreme court, to be selected and appointed by the chief justice of the supreme court;

(2) Two judges of the superior court, to be selected and appointed by the superior court judges' association;

(3) Three members of the state senate, no more than two of whom shall be members of the same political party, one of whom will be the chairman of the senate judiciary committee and the other two to be designated by the chairman; three members of the state house of representatives, no more than two of whom shall be members of the same political party, one of whom shall be the chairman of the house judiciary committee and the other two to be designated by the chairman; unless the house judiciary committee is organized into two sections, in which case the chairman of each section shall be a member and they shall designate the third house member;

(4) The dean of each recognized school of law within this state;

(5) Three members of the bar who are practicing law and one of whom is a prosecuting attorney, to be appointed by the chief justice of the supreme court with the advice and consent of the other judges of the court;

(6) The attorney general; and

(7) A judge of a court of limited jurisdiction chosen by the Washington state magistrates' association.

Passed the Senate February 24, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 125.

[Senate Bill No. 247.]

MULTISTATE TAX COMPACT.

AN ACT relating to revenue and taxation; approving, ratifying and enacting into law the multistate tax compact relating to taxation of multistate taxpayers; making the state of Washington a party thereto; providing for appointment of a member from the state of Washington to the multistate tax commission created thereby; providing for an advisory committee; providing for adoption of Article VIII of the compact; and making an appropriation.

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

Multistate tax compact.

Section 1. The following multistate tax compact, and each and every part thereof, is hereby approved, ratified, adopted, entered into and enacted into law by the state of Washington.

MULTISTATE TAX COMPACT

Article I. Purposes.

The purposes of this compact are to:

1. Facilitate proper determination of state and local tax liability of multistate taxpayers, including the equitable apportionment of tax bases and settlement of apportionment disputes.
2. Promote uniformity or compatibility in significant components of tax systems.
3. Facilitate taxpayer convenience and compliance in the filing of tax returns and in other phases of tax administration.
4. Avoid duplicative taxation.

Article II. Definitions.

As used in this compact:

1. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

2. "Subdivision" means any governmental unit or special district of a state.

3. "Taxpayer" means any corporation, partnership, firm, association, governmental unit or agency or person acting as a business entity in more than one state.

4. "Income tax" means a tax imposed on or measured by net income including any tax imposed on or measured by an amount arrived at by deducting expenses from gross income, one or more forms of which expenses are not specifically and directly related to particular transactions.

5. "Capital stock tax" means a tax measured in any way by the capital of a corporation considered in its entirety.

6. "Gross receipts tax" means a tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax an income tax.

7. "Sales tax" means a tax imposed with respect to the transfer for a consideration of ownership, possession or custody of tangible personal property or the rendering of services measured by the price of the tangible personal property transferred or services rendered and which is required by state or local law to be separately stated from the sales price by the seller, or which is customarily separately stated from the sales price, but does not include a tax imposed exclusively on the sale of a specifically identified commodity or article or class of commodities or articles.

8. "Use tax" means a nonrecurring tax, other than a sales tax, which (a) is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership, possession or custody of that prop-

Multistate tax compact.

erty or the leasing of that property from another including any consumption, keeping, retention, or other use of tangible personal property and (b) is complementary to a sales tax.

9. "Tax" means an income tax, capital stock tax, gross receipts tax, sales tax, use tax, and any other tax which has a multistate impact, except that the provisions of Articles III, IV and V of this compact shall apply only to the taxes specifically designated therein and the provisions of Article IX of this compact shall apply only in respect to determinations pursuant to Article IV.

### Article III. Elements of Income Tax Laws.

#### Taxpayer Option, State and Local Taxes.

1. Any taxpayer subject to an income tax whose income is subject to apportionment and allocation for tax purposes pursuant to the laws of a party state or pursuant to the laws of subdivisions in two or more party states may elect to apportion and allocate his income in the manner provided by the laws of such state or by the laws of such states and subdivisions without reference to this compact, or may elect to apportion and allocate in accordance with Article IV. This election for any tax year may be made in all party states or subdivisions thereof or in any one or more of the party states or subdivisions thereof without reference to the election made in the others. For the purposes of this paragraph, taxes imposed by subdivisions shall be considered separately from state taxes and the apportionment and allocation also may be applied to the entire tax base. In no instance wherein Article IV is employed for all subdivisions of a state may the sum of all apportionments and allocations to subdivisions within a state be greater than the apportionment and allocation that would be assignable to that state if the apportionment or allocation were being made with respect to a state income tax.

### Taxpayer Option, Short Form.

2. Each party state or any subdivision thereof which imposes an income tax shall provide by law that any taxpayer required to file a return, whose only activities within the taxing jurisdiction consist of sales and do not include owning or renting real estate or tangible personal property, and whose dollar volume of gross sales made during the tax year within the state or subdivision, as the case may be, is not in excess of \$100,000 may elect to report and pay any tax due on the basis of a percentage of such volume, and shall adopt rates which shall produce a tax which reasonably approximates the tax otherwise due. The multistate tax commission, not more than once in five years, may adjust the \$100,000 figure in order to reflect such changes as may occur in the real value of the dollar, and such adjusted figure, upon adoption by the commission, shall replace the \$100,000 figure specifically provided herein. Each party state and subdivision thereof may make the same election available to taxpayers additional to those specified in this paragraph.

### Coverage.

3. Nothing in this article relates to the reporting or payment of any tax other than an income tax.

### Article IV. Division of Income.

1. As used in this article, unless the context otherwise requires:

(a) "Business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations.

Multistate tax compact.

(b) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(c) "Compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(d) "Financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, or any type of insurance company.

(e) "Nonbusiness income" means all income other than business income.

(f) "Public utility" means any business entity (1) which owns or operates any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, except by pipe line, or the production, transmission, sale, delivery, or furnishing of electricity, water or steam; and (2) whose rates of charges for goods or services have been established or approved by a federal, state or local government or governmental agency.

(g) "Sales" means all gross receipts of the taxpayer not allocated under paragraphs of this article.

(h) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

(i) "This state" means the state in which the relevant tax return is filed or, in the case of application of this article to the apportionment and allocation of income for local tax purposes, the subdivision or local taxing district in which the relevant tax return is filed.

2. Any taxpayer having income from business activity which is taxable both within and without this state, other than activity as a financial organization or public utility or the rendering of purely personal services by an individual, shall allocate and apportion his net income as provided in this article. If a taxpayer has income from business activity as a public utility but derives the greater percentage of his income from activities subject to this article, the taxpayer may elect to allocate and apportion his entire net income as provided in this article.

3. For purposes of allocation and apportionment of income under this article, a taxpayer is taxable in another state if (1) in that state he is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax, or (2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

4. Rents and royalties from real or tangible personal property, capital gains, interest, dividends or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in paragraphs 5 through 8 of this article.

5. (a) Net rents and royalties from real property located in this state are allocable to this state.

(b) Net rents and royalties from tangible personal property are allocable to this state: (1) if and to the extent that the property is utilized in this state, or (2) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(c) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of

Multistate tax compact.

the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

6. (a) Capital gains and losses from sales of real property located in this state are allocable to this state.

(b) Capital gains and losses from sales of tangible personal property are allocable to this state if (1) the property had a situs in this state at the time of the sale, or (2) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(c) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

7. Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

8. (a) Patent and copyright royalties are allocable to this state: (1) if and to the extent that the patent or copyright is utilized by the payer in this state, or (2) if and to the extent that the patent or copyright is utilized by the payer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(b) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the ac-

counting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(c) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

9. All business income shall be apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three.

10. The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period.

11. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

12. The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the tax administrator may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

13. The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the tax period by the taxpayer for compensa-

Multistate tax compact.

tion and the denominator of which is the total compensation paid everywhere during the tax period.

14. Compensation is paid in this state if:

(a) the individual's service is performed entirely within the state;

(b) the individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or

(c) some of the service is performed in the state and (1) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or (2) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

15. The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period.

16. Sales of tangible personal property are in this state if:

(a) the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of the f.o.b. point or other conditions of the sale; or

(b) the property is shipped from an office, store, warehouse, factory, or other place of storage in this state and (1) the purchaser is the United States government or (2) the taxpayer is not taxable in the state of the purchaser.

17. Sales, other than sales of tangible personal property, are in this state if:

(a) the income-producing activity is performed in this state; or

(b) the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

18. If the allocation and apportionment provisions of this article do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the tax administrator may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

(a) separate accounting;

(b) the exclusion of any one or more of the factors;

(c) the inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in this state; or

(d) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

#### Article V. Elements of Sales and Use Tax Laws.

##### Tax Credit.

1. Each purchaser liable for a use tax on tangible personal property shall be entitled to full credit for the combined amount or amounts of legally imposed sales or use taxes paid by him with respect to the same property to another state and any subdivision thereof. The credit shall be applied first against the amount of any use tax due the state, and any unused portion of the credit shall then be applied against the amount of any use tax due a subdivision.

##### Exemption Certificates, Vendors May Rely.

2. Whenever a vendor receives and accepts in good faith from a purchaser a resale or other exemption certificate or other written evidence of exemption authorized by the appropriate state or

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subdivision taxing authority, the vendor shall be relieved of liability for a sales or use tax with respect to the transaction.

Article VI. The Commission.  
Organization and Management.

1. (a) The multistate tax commission is hereby established. It shall be composed of one "member" from each party state who shall be the head of the state agency charged with the administration of the types of taxes to which this compact applies. If there is more than one such agency the state shall provide by law for the selection of the commission member from the heads of the relevant agencies. State law may provide that a member of the commission be represented by an alternate but only if there is on file with the commission written notification of the designation and identity of the alternate. The attorney general of each party state or his designee, or other counsel if the laws of the party state specifically provide, shall be entitled to attend the meetings of the commission, but shall not vote. Such attorneys general, designees, or other counsel shall receive all notices of meetings required under paragraph 1 (e) of this article.

(b) Each party state shall provide by law for the selection of representatives from its subdivisions affected by this compact to consult with the commission member from that state.

(c) Each member shall be entitled to one vote. The commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the total number of members.

(d) The commission shall adopt an official seal to be used as it may provide.

(e) The commission shall hold an annual meeting and such other regular meetings as its bylaws

may provide and such special meetings as its executive committee may determine. The commission bylaws shall specify the dates of the annual and any other regular meetings, and shall provide for the giving of notice of annual, regular and special meetings. Notices of special meetings shall include the reasons therefor and an agenda of the items to be considered.

(f) The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission shall appoint an executive director who shall serve at its pleasure, and it shall fix his duties and compensation. The executive director shall be secretary of the commission. The commission shall make provision for the bonding of such of its officers and employees as it may deem appropriate.

(g) Irrespective of the civil service, personnel or other merit system laws of any party state, the executive director shall appoint or discharge such personnel as may be necessary for the performance of the functions of the commission and shall fix their duties and compensation. The commission bylaws shall provide for personnel policies and programs.

(h) The commission may borrow, accept or contract for the services of personnel from any state, the United States, or any other governmental entity.

(i) The commission may accept for any of its purposes and functions any and all donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any governmental entity, and may utilize and dispose of the same.

(j) The commission may establish one or more offices for the transacting of its business.

(k) The commission shall adopt bylaws for the conduct of its business. The commission shall publish its bylaws in convenient form, and shall file

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a copy of the bylaws and any amendments thereto with the appropriate agency or officer in each of the party states.

(1) The commission annually shall make to the governor and legislature of each party state a report covering its activities for the preceding year. Any donation or grant accepted by the commission or services borrowed shall be reported in the annual report of the commission, and shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender. The commission may make additional reports as it may deem desirable.

#### Committees.

2. (a) To assist in the conduct of its business when the full commission is not meeting, the commission shall have an executive committee of seven members, including the chairman, vice chairman, treasurer and four other members elected annually by the commission. The executive committee, subject to the provisions of this compact and consistent with the policies of the commission, shall function as provided in the bylaws of the commission.

(b) The commission may establish advisory and technical committees, membership on which may include private persons and public officials, in furthering any of its activities. Such committees may consider any matter of concern to the commission, including problems of special interest to any party state and problems dealing with particular types of taxes.

(c) The commission may establish such additional committees as its bylaws may provide.

#### Powers.

3. In addition to powers conferred elsewhere in this compact, the commission shall have power to:

(a) Study state and local tax systems and particular types of state and local taxes.

(b) Develop and recommend proposals for an increase in uniformity or compatibility of state and local tax laws with a view toward encouraging the simplification and improvement of state and local tax law and administration.

(c) Compile and publish information as in its judgment would assist the party states in implementation of the compact and taxpayers in complying with state and local tax laws.

(d) Do all things necessary and incidental to the administration of its functions pursuant to this compact.

#### Finance.

4. (a) The commission shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

(b) Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amounts to be appropriated by each of the party states. The total amount of appropriations requested under any such budget shall be apportioned among the party states as follows: one-tenth in equal shares; and the remainder in proportion to the amount of revenue collected by each party state and its subdivisions from income taxes, capital stock taxes, gross receipts taxes, sales and use taxes. In determining such amounts, the commission shall employ such available public sources of information as, in its judgment, present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the sources used in obtaining informa-

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tion employed in applying the formula contained in this paragraph.

(c) The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under paragraph 1 (i) of this article: *Provided*, That the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under paragraph 1 (i), the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained in this article shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

#### Article VII. Uniform Regulations and Forms.

1. Whenever any two or more party states, or subdivisions of party states, have uniform or similar provisions of law relating to an income tax, capital

stock tax, gross receipts tax, sales or use tax, the commission may adopt uniform regulations for any phase of the administration of such law, including assertion of jurisdiction to tax, or prescribing uniform tax forms. The commission may also act with respect to the provisions of Article IV of this compact.

2. Prior to the adoption of any regulation, the commission shall:

(a) As provided in its bylaws, hold at least one public hearing on due notice to all affected party states and subdivisions thereof and to all taxpayers and other persons who have made timely request of the commission for advance notice of its regulation-making proceedings.

(b) Afford all affected party states and subdivisions and interested persons an opportunity to submit relevant written data and views, which shall be considered fully by the commission.

3. The commission shall submit any regulations adopted by it to the appropriate officials of all party states and subdivisions to which they might apply. Each such state and subdivision shall consider any such regulation for adoption in accordance with its own laws and procedures.

#### Article VIII. Interstate Audits.

1. This article shall be in force only in those party states that specifically provide therefor by statute.

2. Any party state or subdivision thereof desiring to make or participate in an audit of any accounts, books, papers, records or other documents may request the commission to perform the audit on its behalf. In responding to the request, the commission shall have access to and may examine, at any reasonable time, such accounts, books, papers, records, and other documents and any relevant

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property or stock of merchandise. The commission may enter into agreements with party states or their subdivisions for assistance in performance of the audit. The commission shall make charges, to be paid by the state or local government or governments for which it performs the service, for any audits performed by it in order to reimburse itself for the actual costs incurred in making the audit.

3. The commission may require the attendance of any person within the state where it is conducting an audit or part thereof at a time and place fixed by it within such state for the purpose of giving testimony with respect to any account, book, paper, document, other record, property or stock of merchandise being examined in connection with the audit. If the person is not within the jurisdiction, he may be required to attend for such purpose at any time and place fixed by the commission within the state of which he is a resident: *Provided*, That such state has adopted this article.

4. The commission may apply to any court having power to issue compulsory process for orders in aid of its powers and responsibilities pursuant to this article and any and all such courts shall have jurisdiction to issue such orders. Failure of any person to obey any such order shall be punishable as contempt of the issuing court. If the party or subject matter on account of which the commission seeks an order is within the jurisdiction of the court to which application is made, such application may be to a court in the state or subdivision on behalf of which the audit is being made or a court in the state in which the object of the order being sought is situated. The provisions of this paragraph apply only to courts in a state that has adopted this article.

5. The commission may decline to perform any audit requested if it finds that its available personnel or other resources are insufficient for the pur-

pose or that, in the terms requested, the audit is impracticable of satisfactory performance. If the commission, on the basis of its experience, has reason to believe that an audit of a particular taxpayer, either at a particular time or on a particular schedule, would be of interest to a number of party states or their subdivisions, it may offer to make the audit or audits, the offer to be contingent on sufficient participation therein as determined by the commission.

6. Information obtained by any audit pursuant to this article shall be confidential and available only for tax purposes to party states, their subdivisions or the United States. Availability of information shall be in accordance with the laws of the states or subdivisions on whose account the commission performs the audit, and only through the appropriate agencies or officers of such states or subdivisions. Nothing in this article shall be construed to require any taxpayer to keep records for any period not otherwise required by law.

7. Other arrangements made or authorized pursuant to law for cooperative audit by or on behalf of the party states or any of their subdivisions are not superseded or invalidated by this article.

8. In no event shall the commission make any charge against a taxpayer for an audit.

9. As used in this article, "tax," in addition to the meaning ascribed to it in Article II, means any tax or license fee imposed in whole or in part for revenue purposes.

#### Article IX. Arbitration.

1. Whenever the commission finds a need for settling disputes concerning apportionments and allocations by arbitration, it may adopt a regulation placing this article in effect, notwithstanding the provisions of Article VII.

Multistate tax  
compact.

2. The commission shall select and maintain an arbitration panel composed of officers and employees of state and local governments and private persons who shall be knowledgeable and experienced in matters of tax law and administration.

3. Whenever a taxpayer who has elected to employ Article IV, or whenever the laws of the party state or subdivision thereof are substantially identical with the relevant provisions of Article IV, the taxpayer, by written notice to the commission and to each party state or subdivision thereof that would be affected, may secure arbitration of an apportionment or allocation, if he is dissatisfied with the final administrative determination of the tax agency of the state or subdivision with respect thereto on the ground that it would subject him to double or multiple taxation by two or more party states or subdivisions thereof. Each party state and subdivision thereof hereby consents to the arbitration as provided herein, and agrees to be bound thereby.

4. The arbitration board shall be composed of one person selected by the taxpayer, one by the agency or agencies involved, and one member of the commission's arbitration panel. If the agencies involved are unable to agree on the person to be selected by them, such person shall be selected by lot from the total membership of the arbitration panel. The two persons selected for the board in the manner provided by the foregoing provisions of this paragraph shall jointly select the third member of the board. If they are unable to agree on the selection, the third member shall be selected by lot from among the total membership of the arbitration panel. No member of a board selected by lot shall be qualified to serve if he is an officer or employee or is otherwise affiliated with any party to the arbitration proceeding. Residence within the jurisdiction of a

party to the arbitration proceeding shall not constitute affiliation within the meaning of this paragraph.

5. The board may sit in any state or subdivision party to the proceeding, in the state of the taxpayer's incorporation, residence or domicile, in any state where the taxpayer does business, or in any place that it finds most appropriate for gaining access to evidence relevant to the matter before it.

6. The board shall give due notice of the times and places of its hearings. The parties shall be entitled to be heard, to present evidence, and to examine and cross-examine witnesses. The board shall act by majority vote.

7. The board shall have power to administer oaths, take testimony, subpoena and require the attendance of witnesses and the production of accounts, books, papers, records, and other documents, and issue commissions to take testimony. Subpoenas may be signed by any member of the board. In case of failure to obey a subpoena, and upon application by the board, any judge of a court of competent jurisdiction of the state in which the board is sitting or in which the person to whom the subpoena is directed may be found may make an order requiring compliance with the subpoena, and the court may punish failure to obey the order as a contempt. The provisions of this paragraph apply only in states that have adopted this article.

8. Unless the parties otherwise agree the expenses and other costs of the arbitration shall be assessed and allocated among the parties by the board in such manner as it may determine. The commission shall fix a schedule of compensation for members of arbitration boards and of other allowable expenses and costs. No officer or employee of a state or local government who serves as a member of a board shall be entitled to compensation therefor unless he is required on account of his serv-

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ice to forego the regular compensation attaching to his public employment, but any such board member shall be entitled to expenses.

9. The board shall determine the disputed apportionment or allocation and any matters necessary thereto. The determinations of the board shall be final for purposes of making the apportionment or allocation, but for no other purpose.

10. The board shall file with the commission and with each tax agency represented in the proceeding: the determination of the board; the board's written statement of its reasons therefor; the record of the board's proceedings; and any other documents required by the arbitration rules of the commission to be filed.

11. The commission shall publish the determinations of boards together with the statements of the reasons therefor.

12. The commission shall adopt and publish rules of procedure and practice and shall file a copy of such rules and of any amendment thereto with the appropriate agency or officer in each of the party states.

13. Nothing contained herein shall prevent at any time a written compromise of any matter or matters in dispute, if otherwise lawful, by the parties to the arbitration proceeding.

#### Article X. Entry into Force and Withdrawal.

1. This compact shall enter into force when enacted into law by any seven states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof. The commission shall arrange for notification of all party states whenever there is a new enactment of the compact.

2. Any party state may withdraw from this compact by enacting a statute repealing the same. No withdrawal shall affect any liability already in-

curred by or chargeable to a party state prior to the time of such withdrawal.

3. No proceeding commenced before an arbitration board prior to the withdrawal of a state and to which the withdrawing state or any subdivision thereof is a party shall be discontinued or terminated by the withdrawal, nor shall the board thereby lose jurisdiction over any of the parties to the proceeding necessary to make a binding determination therein.

#### Article XI. Effect on Other Laws and Jurisdiction.

Nothing in this compact shall be construed to:

(a) Affect the power of any state or subdivision thereof to fix rates of taxation, except that a party state shall be obligated to implement Article III 2 of this compact.

(b) Apply to any tax or fixed fee imposed for the registration of a motor vehicle or any tax on motor fuel, other than a sales tax: *Provided*, That the definition of "tax" in Article VIII 9 may apply for the purposes of that article and the commission's powers of study and recommendation pursuant to Article VI 3 may apply.

(c) Withdraw or limit the jurisdiction of any state or local court or administrative officer or body with respect to any person, corporation or other entity or subject matter, except to the extent that such jurisdiction is expressly conferred by or pursuant to this compact upon another agency or body.

(d) Supersede or limit the jurisdiction of any court of the United States.

#### Article XII. 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 de-

Multistate tax compact.

clared to be contrary to the Constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the Constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

Representation on multistate tax commission.

Sec. 2. The chairman of the Washington state tax commission or the director of its successor department shall represent this state on the multistate tax commission.

Alternate representation.

Sec. 3. The member representing this state on the multistate tax commission may be represented thereon by an alternate designated by him. Any such alternate shall be a principal deputy or assistant of the member of the commission in the agency which the member heads.

Consultation with representatives of local government.

Sec. 4. The governor, after consultation with representatives of local governments, shall appoint three persons who are representative of subdivisions affected or likely to be affected by the multistate tax compact. The member of the commission representing this state, and any alternate designated by him, shall consult regularly with these appointees, in accordance with Article VI 1 (b) of the compact.

Interaudits.

Sec. 5. Article VIII of the multistate tax compact relating to interaudits shall be in force in and with respect to this state.

Appropriation.

Sec. 6. There is appropriated from the general fund of the state of Washington to the state tax

commission or its successor department the sum of five thousand dollars for the biennium ending June 30, 1969, to carry out the provisions of this act, including payment of the proportion of the expenses of the multistate tax commission allocated to the state of Washington.

Passed the Senate February 27, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 126.

[Senate Bill No. 245.]

### REGISTRATION OF CONTRACTORS.

AN ACT providing for the registration of contractors; amending section 4, chapter 77, Laws of 1963 and RCW 18.27.040; amending section 7, chapter 77, Laws of 1963 and RCW 18.27.070; amending section 9, chapter 77, Laws of 1963 as amended by section 50, chapter 170, Laws of 1965 extraordinary session and RCW 18.27.090; amending section 1, chapter 77, Laws of 1963 and RCW 18.27.010; and adding three new sections to chapter 77, Laws of 1963 and to chapter 18.27 RCW.

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

Section 1. Section 4, chapter 77, Laws of 1963 and RCW 18.27.040 are each amended to read as follows:

Each applicant shall, at the time of applying for a certificate of registration, file with the director of licenses a surety bond running to the state of Washington if a general contractor, in the sum of two thousand dollars; if a specialty contractor, in the sum of one thousand dollars, conditioned that the applicant will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying

RCW 18.27.040 amended.

Registration of contractors—  
Bond or other security—  
Actions against—  
—Suspension of registrant upon impairment.

Registration of  
contractors—  
Bond or other  
security—  
Actions against  
—Suspension  
of registrant  
upon impair-  
ment.

equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of negligent or improper work or breach of contract in the conduct of the contracting business. Any person having a claim against the contractor for any of the items referred to in this section may bring suit upon such bond in the superior court of the county in which the work is done or of any county in which jurisdiction of the contractor may be had. Action upon such bond shall be commenced by serving and filing of the complaint within one year from the date of expiration of the certificate of registration in force at the time the work was completed. A copy of the complaint shall be served by registered or certified mail upon the director of licenses at the time suit is started and the director shall maintain a record, available for public inspection, of all suits so commenced. Such service shall constitute service on the surety and the director shall transmit the complaint or a copy thereof to the surety within forty-eight hours after it shall have been received. The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond, but in case claims pending at any one time exceed the amount of the bond, claims shall be satisfied from the bond in the following order:

- (1) Labor, including employee benefits;
- (2) Taxes and contributions due the state of Washington;
- (3) Material and equipment;
- (4) Claims for breach of contract.

In the event that any final judgment shall impair the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the director shall suspend the registration of such contractor until the bond liability in the re-

quired amount unimpaired by unsatisfied judgment claims shall have been furnished.

In lieu of the surety bond required by this section the contractor may file with the director a cash deposit or other negotiable security acceptable to the director.

In the event of a judgment being entered against such deposit, the director of licenses shall upon receipt of a certified copy of a final judgment, pay from the amount of the deposit said judgment.

Sec. 2. Section 7, chapter 77, Laws of 1963, and RCW 18.27.070 are each hereby amended to read as follows:

RCW 18.27.070  
amended.

The applicant shall pay to the director of licenses a registration or renewal fee of, if a general contractor, or if a specialty contractor, fifteen dollars.

Registration of  
contractors—  
Registration  
and renewal  
fees.

Sec. 3. Section 9, chapter 77, Laws of 1963, as amended by section 50, chapter 170, Laws of 1965 extraordinary session and RCW 18.27.090 are each hereby 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 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 sur-

Registration of  
contractors—  
Registration  
and renewal  
fees.

face 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 two hundred-fifty 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 two hundred-fifty 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 dis-

tricts 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 act 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 to perform highway construction, reconstruction or maintenance work.

New section.

Sec. 4. There is added to chapter 77, Laws of 1963 and to chapter 18.27 RCW a new section to read as follows:

Contractors  
registration—  
Required for  
public works  
contracts.

No city, town or county shall issue a construction building permit for work which is to be done by any contractor required to be registered under chapter 77, Laws of 1963 and chapter 18.27 without proof that such contractor is currently registered as required by law.

RCW 18.27.010  
amended.

Sec. 5. Section 1, chapter 77, Laws of 1963 and RCW 18.27.010 are each amended to read as follows:

Definitions.

A "contractor" as used in this chapter is any person, firm or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development or improvement attached to real estate or to do any part thereof including the erection of scaffolding or other structures or works in connection therewith; or, who, to do similar work upon his own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided herein. A "general contractor" is a contractor whose business operations require the use of more than two unrelated building trades or crafts whose work the contractor shall superintend or do in whole or in part; the term "general contractor" shall not include an individual who does all work personally without employees or other "specialty contractors" as defined herein. The terms "general contractor" and "builder" are synonymous. A "specialty contractor" is a contractor whose operations as such do not fall within the foregoing definition of "general contractor".

Sec. 6. There is added to chapter 77, Laws of 1963 and to chapter 18.27 RCW a new section to read as follows:

Notwithstanding the provisions of section 12, chapter 77, Laws of 1963 or any other provision of law, the provisions of section 8, chapter 77, Laws of 1963 and RCW 18.27.080 shall not apply to any agreement or contract or performance of work or breach of contract covering the period from August 1, 1963 to December 24, 1965 or action pending thereon not foreclosed by the entry of a final judgment by or against any person in the business of acting in the capacity of a contractor.

Passed the Senate March 8, 1967.

Passed the House March 9, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 127.

[Senate Bill No. 96.]

WASHINGTON PUBLIC EMPLOYEES' RETIREMENT  
SYSTEM.

AN ACT relating to the state employees' retirement system, herein denominated the Washington Public Employees' Retirement System; amending section 2, chapter 274, Laws of 1947, as amended by section 2, chapter 240, Laws of 1949 and RCW 41.40.020; amending section 11, chapter 274, Laws of 1947, as last amended by section 7, chapter 174, Laws of 1963 and RCW 41.40.100; amending section 13, chapter 274, Laws of 1947, as last amended by section 2, chapter 155, Laws of 1965 and RCW 41.40.120; amending section 16, chapter 274, Laws of 1947, as last amended by section 3, chapter 155, Laws of 1965 and RCW 41.40.150; amending section 18, chapter 274, Laws of 1947 as last amended by section 10, chapter 174, Laws of 1963 and RCW 41.40.170; amending section 19, chapter 274, Laws of 1947, as last amended by section 11, chapter 174, Laws of 1963 and RCW 41.40.180; amending section 20, chapter 274, Laws of 1947 as last amended by section 6, chapter 291, Laws of 1961 and RCW 41.40.190; amending section 39, chapter 274, Laws of 1947 and RCW 41.40.380; and declaring an emergency.

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

RCW 41.40.020  
amended.

Section 1. Section 2, chapter 274, Laws of 1947, as amended by section 2, chapter 240, Laws of 1949 and RCW 41.40.020 are each amended to read as follows:

State em-  
ployees retire-  
ment. System  
created—Ad-  
ministration.

A state employees' retirement system is hereby created for the employees of the state of Washington and its political subdivisions. The administration and management of the retirement system, the responsibility for making effective the provisions of this chapter, and the authority to make all rules and regulations necessary therefor are hereby vested in a retirement board. The retirement system herein provided for shall be known as the Washington Public Employees' Retirement System.

RCW 41.40.100  
amended.

Sec. 2. Section 11, chapter 274, Laws of 1947, as last amended by section 7, chapter 174, Laws of 1963

and RCW 41.40.100 are each amended to read as follows:

For the purpose of the internal accounting record of the retirement board and not the segregation of moneys on deposit with the state treasurer there are hereby created the employees' savings fund, the benefit account fund, the income fund and such other funds as may from time to time be required.

State em-  
ployees retire-  
ment—System  
fund created.

(1) The employees' savings fund shall be the fund in which shall be accumulated the contributions from the compensation of members for the purchase of annuities. The retirement board shall provide for the maintenance of an individual account with each member of the retirement system showing the amount of the member's contributions together with interest accumulations thereon. The contributions of a member returned to him upon his withdrawal from service, or paid in event of his death, as provided in this chapter, shall be paid from the employees' savings fund. Any accumulated contributions forfeited by failure of a member, or his estate, to claim the same as provided for in this chapter shall be transferred from the employees' savings fund to the income fund. The accumulated contributions of a member, upon the commencement of his annuity payments, shall be transferred from the employees' savings fund to the benefit account fund.

(2) The benefit account fund shall be the fund in which shall be accumulated the reserves for the payment of all pensions and in which shall be held the reserves for annuity payments and death benefits, if any, in respect of any beneficiary receiving annuity payments. The amounts contributed by the employer to provide pension benefits shall be credited to the benefit account fund. The benefit account fund shall be the fund from which shall be paid all pensions, and all annuities, or benefits in lieu

State em-  
ployees retire-  
ment—System  
fund created.

thereof because of which reserves have been transferred from the employees' savings fund to the benefit account fund. At the time a recipient of a retirement allowance again becomes a member there shall be transferred from the benefit account fund to the employees' savings fund and credited to the individual account of such a member a sum that shall be equal to the then present value of the annuity portion of his retirement allowance, computed upon the interest and mortality basis then in use by the retirement system for the computation of annuities.

(3) An income fund is hereby created for the purpose of crediting regular interest on the amounts in the various other funds with the exception of the retirement system expense fund, and to provide a contingent fund out of which special requirements of any of the other funds may be covered. Transfers for such special requirements shall be made only when the amount in the income fund exceeds the ordinary requirements of such fund as evidenced by a resolution of the retirement board recorded in its minutes. The retirement board shall quarterly allow regular interest to each of the funds enumerated in subdivisions (1) and (2) of this section, and the amount so allowed shall be due and payable to said funds and shall be quarterly credited on the previous quarterly balance by the retirement board and paid from the income fund. All accumulated contributions standing to the account of a terminated member and unclaimed after the expiration of fifteen years from the date of such termination except as provided in RCW 41.40.150(3) and 41.40.170, shall thereafter become an integral part of the income fund. All income, interest, and dividends derived from the deposits and investments authorized by this chapter shall be paid into the income fund with the exception of interest derived from sums deposited in the retirement system expense fund.

The retirement board is hereby authorized to accept gifts and bequests. Any funds that may come into the possession of the retirement system in such manner, or any funds which may be transferred from the employees' savings fund by reason of lack of claimant, or because of a surplus in any fund created by this chapter, or any other moneys the disposition of which is not otherwise provided for herein, shall be credited to the income fund.

Sec. 3. Section 13, chapter 274, Laws of 1947, as last amended by section 2, chapter 155, Laws of 1965 and RCW 41.40.120 are each amended to read as follows:

RCW 41.40.120 amended.

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption or who are employed, appointed or elected on or after July 1, 1965, with the following exceptions:

State employees retirement—Membership.

- (1) Persons in ineligible positions;
- (2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;
- (3) Persons holding elective offices or persons appointed directly by the governor: *Provided*, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, such membership may become effective at the start of the initial or successive terms of office held by the person at the time application is made: *And provided further*, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nev-

State em-  
ployees retire-  
ment—  
Membership.

ertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority: *And provided further*, That any persons holding elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership and be accepted by action of the retirement board, to be effective during such term or terms of office, and shall be allowed to recover or regain the service credit applicable to such term or terms of office upon payment of the employee and employer contributions therefor;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: *Provided, however*, In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: *And provided further*, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as secondary payee under the optional retirement allowances as provided by RCW 41.40.290;

(5) Patient and inmate help in state charitable, penal and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college operated by an employer, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of the University of Washington and the Washington State University during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession;

(10) Persons appointed after April 1, 1963 by the liquor control board as agency vendors.

(11) Employees of a labor guild, association, or organization: *Provided*, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership and to be accepted by the action of the retirement board.

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: *Provided*, That if such employees are employed for more than six months in an eligible position they shall become members of the system.

Sec. 4. Section 16, chapter 274, Laws of 1947, as last amended by section 3, chapter 155, Laws of 1965 and RCW 41.40.150 are each amended to read as follows:

RCW 41.40.150  
amended.

Should any member die, or should he separate or be separated from service without leave of absence before attaining age sixty years, or should he become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.290, he shall thereupon cease to be a member except;

Termination of  
membership.

State em-  
ployees retire-  
ment—Ter-  
mination of  
membership.

(1) As provided in RCW 41.40.170.

(2) An employee who reenters or has reentered service within ten years from the date of his separation, shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions, which restoration must be completed within a total period of five years of membership service following his first resumption of employment, be returned to the status, either as an original member or new member which he held at time of separation.

(3) A member who separates or has separated after having completed at least ten years of service shall remain a member during the period of his absence from service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: *Provided*, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

(4) (a) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy and who shall be employed in an eligible position shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended during the period of his eligible employment and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW

41.40.180: *Provided*, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available;

(b) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy, following his election to office or appointment to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120 (3) shall be considered to have terminated his retirement status and he shall become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended from the date of his return to membership until the date when he again retires and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: *Provided*, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available: *And provided further*, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120(3), or should he have reached the age of seventy and be ineligible to apply as provided in RCW 41.40.125, he shall be considered to remain in a retirement status and his retirement benefits shall continue without interruption.

(5) Subject to the provisions of RCW 41.04.070, 41.04.080 and 41.04.100, any member who leaves the

State em-  
 ployees retire-  
 ment—Termi-  
 nation of  
 membership.

employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the state employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue his membership therein until attaining age sixty, shall remain a member for the exclusive purpose only of receiving a retirement allowance without the limitation found in RCW 41.40.190(5) to begin on attainment of age sixty-five, however, such a member may upon thirty days written notice to the retirement board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: *Provided*, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

RCW 41.40.180  
 amended.

Sec. 5. Section 19, chapter 274, Laws of 1947, as last amended by section 11, chapter 174, Laws of 1963 and RCW 41.40.180 are each amended to read as follows:

Retirement  
 —Optional—  
 Compulsory—  
 Length of  
 service.

(1) On and after April 1, 1949, any member who has attained age sixty or over may retire upon his written application to the retirement board, setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired: *Provided*, That in the national interest, during time of war engaged in by the United States, the retirement board may extend beyond age sixty, subject to the provisions of subsection (2) of this section, the age at which any member may be eligible to retire.

(2) On and after April 1, 1949, any member who has attained age seventy shall be retired forthwith

on the first day of the calendar month next succeeding that in which the said member shall have attained the age of seventy: *Provided*, That a member who has attained the age of seventy is possessed of special skill in the performance of particular duties, the retirement board shall continue such member in service for such period or periods as may be applied for by the governing body of the political subdivision where the member is employed or the head of the department, agency, commission, board and offices of the state: *Provided further*, That any member holding elective office, having a fixed term to which he has been elected, who has attained age seventy may, at any time thereafter while still in office, apply for and receive a retirement allowance under RCW 41.40.190 and RCW 41.40.290, if otherwise eligible therefor, while continuing to serve as an elective official but such person shall no longer be a member of the retirement system after his retirement as provided for in this subsection.

(3) On and after April 1, 1953, any member who has completed thirty years of service may retire on his written application to the retirement board setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, subject to war measures.

(4) On and after July 1, 1967, any member who has completed twenty-five years of service and attained age fifty-five may retire on his written application to the retirement board setting forth at which time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, subject to war measures: *Provided*, That any member retiring under the provisions of this subsection shall receive a reduced retirement allowance, which allowance shall be the actuarial equivalent of the sum necessary to pay

regular retirement benefits as of the earliest date upon which he could otherwise retire under subsections (1) or (3) of this section.

(5) The retirement board is authorized to waive advance notice of retirement upon good cause shown.

RCW 41.40.380 amended.

Sec. 6. Section 39, chapter 274, Laws of 1947 and RCW 41.40.380 are each amended to read as follows:

State employees retirement—Benefits—Exemption from taxation and judicial process—Assignability.

The right of a person to a pension, an annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable: *Provided*, That this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group life or disability insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions in accordance with rules and regulations that may be promulgated by the retirement board.

RCW 41.40.190 amended.

Sec. 7. Section 20, chapter 274, Laws of 1947 as last amended by section 6, chapter 291, Laws of 1961 and RCW 41.40.190 are each amended to read as follows:

State employees retirement—Retirement allowances.

Upon retirement from service, as provided for in RCW 41.40.180, a member shall receive a service retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A basic service pension of one hundred dollars per annum; and

(3) A membership service pension, subject to the provisions of subdivision (5) of this section, which shall be equal to one one-hundred twentieth of his average final compensation for each year or fraction of a year of membership service credited to his service account; and

(4) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event shall any original member upon retirement at age seventy with ten or more years of service credit receive less than nine hundred dollars per annum as a retirement allowance, nor shall any member upon retirement at any age receive a retirement allowance of less than seven hundred twenty dollars per annum if such member has twelve or more years of service credit, or less than one thousand and eighty dollars per annum if such member has sixteen or more years of service credit, or less than one thousand four hundred and forty dollars per annum if such member has twenty or more years of service credit. In the event that the retirement allowance as to such member provided by subdivisions (1), (2), (3), and (4) hereof shall amount to less than the aforesaid minimum retirement allowance, the basic service pension of the member shall be increased from one hundred dollars to a sum sufficient to make a retirement allowance of the applicable minimum amount.

(5) To be eligible to receive the annuity portion derived from the member's accumulated contributions under subdivision (1) and the pension portions provided by the employer under subdivisions (2) and (3) of this section, a new member must have at

State em-  
ployees re-  
tirement—  
Retirement  
allowances.

least five years of membership service credited to his service account, unless he becomes eligible for benefits provided for herein under RCW 41.40.200, 41.40.210 and 41.40.220.

(6) Retirement allowances paid to members eligible to retire under the provisions of RCW 41.40.180 (2), 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 allowances paid to members eligible to retire under any other provisions of this chapter 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.

RCW 41.40.170  
amended.

Sec. 8. Section 18, chapter 274, Laws of 1947 as last amended by section 10, chapter 174, Laws of 1963 and RCW 41.40.170 are each amended to read as follows:

Credit for  
military  
service.

A member of the retirement system who has served or shall serve on active federal service in the military or naval forces of the United States and who left or shall leave an employer to enter such service shall be deemed to be on military leave of absence if he has resumed or shall resume employment as an employee within one year from termination thereof, or if he has applied or shall apply for reinstatement of employment and is refused employment for reasons beyond his control within one year from termination of the military service shall upon resumption of service within ten years from termination of military service or shall in all events after completing 25 years of creditable service have his service in such armed forces credited to him as a member of the retirement system: *Provided*, That no such military service in excess of five years shall

be credited: *And provided further*, That he restore all withdrawn accumulated contributions, which restoration must be completed within three years of membership service following his first resumption of employment.

Sec. 9. This act is necessary for the immediate Emergency. preservation of the public peace, health and safety, the support of state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 8, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 128.

[Senate Bill No. 68.]

### STATE PUBLIC PENSION COMMISSION.

AN ACT relating to the state public pension commission; amending section 3, chapter 17, Laws of 1963 extraordinary session and RCW 41.52.030; amending section 4, chapter 17, Laws of 1963 extraordinary session and RCW 41.52.040; and adding new sections to chapter 17, Laws of 1963 extraordinary session and to chapter 41.52 RCW.

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

Section 1. Section 3, chapter 17, Laws of 1963 extraordinary session, and RCW 41.52.030 are each amended to read as follows:

RCW 41.52.030 amended.

The members of the commission shall be reimbursed for their expenses incurred while attending sessions of the commission or meetings of any committees of the commission or while engaged on other commission business authorized by the commission, at the rates provided in RCW 44.04.120, as now or hereafter amended. The commission shall select a

State public pension commission. Expenses—Officers—Quorum.

State public pension commission. Expenses—Officers—Quorum.

chairman, vice chairman and secretary from among its members. The commission shall have authority to select and employ such research, technical, and clerical personnel and consultants as it deems necessary to carry out its powers and duties, whose compensation and salaries shall be fixed by the commission. A majority of the membership shall constitute a quorum.

RCW 41.52.040 amended.

Sec. 2. Section 4, chapter 17, Laws of 1963 extraordinary session, and RCW 41.52.040 are each amended to read as follows:

Powers and duties.

The commission shall have the following powers and duties:

(1) Study the pension and benefit laws applicable to officers and employees in governmental service throughout the state and appraise and evaluate the existing laws pertaining to this subject;

(2) Study and consider the financial problems of the several retirement and pension funds and make recommendations as to revisions in financial provisions and methods of amortizing the accrued liabilities of such funds without impairment of any of the rights and equities of participants and beneficiaries but in conformity with sound and established principles of financing pension fund obligations;

(3) Study and make recommendations concerning the extension of pension coverage to public employees to whom pension protection has not been accorded;

(4) Study and make recommendations concerning the preservation and continuity of earned rights and credits in public employment for pension purposes including a thorough study of the legal, financial and other aspects of so-called legal vesting of pension rights;

(5) Evaluate all pension proposals in terms of policy, cost implications, and their impact on other public employee retirement programs;

(6) Consider all aspects of pension planning and operation aiming toward the development of a standard pension policy grounded in fundamental principles;

(7) Consider the feasibility of codifying pension laws;

(8) Make available to such public officers and employees at all levels of government as it shall deem advisable, information as to pension and benefit studies, recommendations, and evaluations as to afford them an opportunity to become familiar with all aspects of pension problems so they may develop sound legislative and fiscal policies in accordance with established concepts of good retirement planning and sound financing;

(9) Report from time to time, at least biennially, to the members of the legislature, and to the governor, its conclusions and recommendations;

(10) Prepare an explanatory note for each pension bill introduced in the legislature, which note shall briefly explain the financial impact and policies of the bill, indicate the impact on the relative position of the system affected with the other public pension systems, and which shall be attached to or printed upon the printed bill;

(11) Study and make recommendations on the investment policies and procedures of all public pension systems.

Sec. 3. There is added to chapter 17, Laws of 1963 extraordinary session and to chapter 41.52 RCW a new section to read as follows:

New section.

(1) The commission, its staff and consultants as ordered by the commission shall have access to all files and records of the public pension systems in the state for inspection and review;

Access to public pension systems' records.

(2) The governing boards of all public pension systems in the state shall promptly forward to the commission copies of their minutes of meetings, ac-

tuarial reports, annual reports, reports on portfolio including changes in investment holdings showing sales, purchases and exchanges, and any other report which is approved for distribution by the board of trustees of any system.

New section.

Sec. 4. There is added to chapter 17, Laws of 1963 extraordinary session and to chapter 41.52 RCW a new section to read as follows:

Public pension  
commission—  
Subpoena  
powers  
granted.

In the discharge of any duty herein imposed, the commission or any personnel under its authority and its subcommittees shall have the authority to examine and inspect all files, records and accounts of any public retirement system or board, and to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

In the case of the failure on the part of any person to comply with any subpoena issued in behalf of the commission, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or the judge thereof, on application of the commission, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Each witness who appears before the commission by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record in accordance with RCW 2.40.010, which shall be audited and paid upon the presentation of

proper vouchers signed by such witness and approved by the secretary and chairman of the commission.

Passed the Senate March 8, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 129.

[Senate Bill No. 80.]

### MOTOR VEHICLE DRIVERS' LICENSES.

AN ACT relating to motor vehicle drivers' licenses; and adding a new section to chapter 12, Laws of 1961 and to chapter 46.20 RCW.

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

Section 1. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

A Washington state motor vehicle driver's license issued to any person serving in the armed forces of the United States, if valid and in force and effect while such person is serving in the armed forces, shall remain in full force and effect so long as such service continues unless the same is sooner suspended, canceled, or revoked for cause as provided by law and for not to exceed ninety days following the date on which the holder of such driver's license is honorably separated from service in the armed forces of the United States.

New section.

Motor vehicle  
drivers'  
licenses—  
Armed forces  
personnel—  
Limitation.

Passed the Senate January 31, 1967.

Passed the House March 4, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 130.

[Senate Bill No. 60.]

GRAND JURY PROCEEDINGS—ATTORNEYS—  
APPEARANCE.

AN ACT relating to criminal procedure; authorizing attorneys to appear at grand jury proceedings; and adding a new section to chapter 10.28 RCW.

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

New section.

Section 1. There is added to chapter 10.28 RCW a new section to read as follows:

Grand jury proceedings—  
Witnesses' right to attorney—Limitation.

During any time that a witness appears before a grand jury, he shall be entitled to the presence of an attorney to advise him: *Provided*, That said attorney shall only advise such witness concerning his right to answer or not answer any questions asked of such witness and shall not engage in the proceedings in any other manner. Such attorney shall be considered an officer of the court in accordance with RCW 10.28.210.

Passed the Senate March 8, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 131.

[Senate Bill No. 93.]

PORT DISTRICTS—CONTRACT SEWER AND WATER SERVICES.

AN ACT relating to port districts; authorizing ports to provide certain contract sewer and water services; and amending section 5, chapter 65, Laws of 1955 and RCW 53.08.040.

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

Section 1. Section 5, chapter 65, Laws of 1955 and RCW 53.08.040 are each amended to read as follows:

RCW 53.08.040 amended.

A district may improve its lands by dredging, filling, bulkheading, providing waterways or otherwise developing such lands for sale or lease for industrial and commercial purposes. Where sewer and water utilities are constructed and operated by the port as an incident to servicing port lands, property owners in areas adjacent to such system may be permitted to connect thereto under terms, conditions and rates to be fixed and approved by the port commission. Such conditions and rates shall be sufficient to reimburse the port for all costs, including reasonable amortization of capital outlays caused by or incidental to providing such utilities: *Provided*, That no port shall enter into an agreement or contract to provide sewer and/or water utilities if substantially similar utilities are available to such adjacent property owners from another source (or sources) which is willing to provide such utilities on a reasonable and nondiscriminatory basis.

Port districts. Improvements of lands for industrial purposes.

Passed the Senate February 17, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 132.

[Senate Bill No. 89.]

PUBLIC FUNDS—DEPOSITARIES—COLLATERAL SECURITY REQUIREMENTS.

AN ACT relating to state and local government; making uniform the collateral security requirements for depositaries of all public funds; amending section 43.85.030, chapter 8, Laws of 1965 and RCW 43.85.030; amending section 43.85.150, chapter 8, Laws of 1965 and RCW 43.85.150; amending section 36.48.020, chapter 4, Laws of 1963 and RCW 36.48.020; amending section 36.48.100, chapter 4, Laws of 1963 and RCW 36.48.100; amending section 35.38.020, chapter 7, Laws of 1965 and RCW 35.38.020; and amending section 35.38.040, chapter 7, Laws of 1965 and RCW 35.38.040.

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

RCW 43.85.030 amended.

Section 1. Section 43.85.030, chapter 8, Laws of 1965 and RCW 43.85.030 are each amended to read as follows:

Public funds—  
Depositaries—  
Collateral  
security re-  
quirement.  
State depos-  
itaries.

Every state depository, before it shall be entitled to receive any state moneys, shall deposit with the state treasurer securities hereinafter enumerated as collateral and pledge for payment on demand or at a specified future date, to him or his order, free of exchange, at any place designated by him, of all such moneys deposited with it and of interest thereon at the rate fixed by the state finance committee, if there has been no default in the payment of principal or interest thereon:

(1) 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;

(2) (a) Direct and general obligation bonds and warrants of the state of Washington or of any other state of the United States;

(b) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

(3) 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;

(4) Bonds issued by public utility districts as authorized under the provisions of Title 54, as now or hereafter amended;

(5) 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: *Provided*, That the state finance committee need not approve for deposit any collateral described in this subsection if in its judgment it is not desirable so to do.

(6) In addition to the foregoing, every state depository may also deposit with the state treasurer 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.

The state finance committee in lieu of collateral, may accept from any depository a good and sufficient bond of a surety company authorized to do business in the state, to be approved by the committee as security and pledge for the payment on demand or at a specified future date to the state treasurer or his order, free of exchange, at any place in this state designated by the treasurer, of all such moneys deposited with it, and of interest thereon at the rate fixed by the state finance committee, which

Public funds—  
 Depositories—  
 Collateral  
 security re-  
 quirement.  
 State depos-  
 itaries.

bond shall be at least equal to the amount of the moneys to be received by the depository.

The finance committee may require the state auditor or the supervisor of banking to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a state depository, and may also as often as it deems necessary require such investigation and report concerning the condition of any bank which has been designated as such depository, the expense of the investigation to be borne by the depository examined.

RCW 43.85.150  
 amended.

Sec. 2. Section 43.85.150, chapter 8, Laws of 1965 and RCW 43.85.150 are each amended to read as follows:

State deposi-  
 taries—Collat-  
 eral.

Every depository so selected shall file with the state treasurer a good and sufficient bond or collateral securities, authorized by RCW 43.85.030, as now or hereafter amended, to be approved by the committee as a security and pledge for the payment on demand of the commissioner of public lands, or his order or his successors, free of exchange, at any place in this state designated by the commissioner, of all such moneys so deposited by him, and the interest thereon at the rate fixed by the state finance committee. Such bond or securities shall be at least equal to the amount of the moneys to be received by the depository, and shall, before any deposit by the commissioner of public lands, be approved by the committee. The depository may be examined from time to time as provided in relation to state depositories.

RCW 36.48.020  
 amended.

Sec. 3. Section 36.48.020, chapter 4, Laws of 1963 and RCW 36.48.020 are each amended to read as follows:

County deposi-  
 taries.

Before any such designation shall become effectual and entitle the treasurer to make deposits in

such bank, the bank designated shall, within ten days after the designation has been filed, file with the county clerk of the county a surety bond to the county treasurer, properly executed by some reliable surety company qualified under the laws of the state to do business therein, in the maximum amount of deposits designated by the treasurer to be carried in the bank, conditioned for the prompt and faithful payment thereof on checks drawn by the treasurer.

County depositaries—Surety bond—Collateral insurance—Federal deposit insurance.

The bond must be approved by the chairman of the board of county commissioners, the prosecuting attorney, and the county treasurer, or any two of such officers, before being filed with the county clerk, and unless so approved, it shall not be received or filed by the county clerk.

The depositary may deposit with the county treasurer in lieu of the surety bond, any of the following enumerated securities if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall not be less than one hundred and ten percent of the amount of the funds deposited by the treasurer:

(1) Bonds, notes or other securities constituting the direct and general obligations of the United States or the bonds, notes, or other securities constituting the direct and general obligations of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(2) (a) Direct and general obligation bonds and warrants of the state of Washington, or of any other state of the United States;

(b) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

(3) Direct and general obligation bonds and warrants of any city, town, county, school district,

County depositaries—Surety bond—Collateral insurance—Federal deposit insurance.

port district, or other political subdivision in the state, having the power to levy general taxes;

(4) Bonds issued by public utility districts as authorized under the provisions of Title 54 RCW as now or hereafter amended;

(5) Bonds of any city of the state of Washington for the payment of which the entire revenue 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: *Provided*, That said treasurer need not accept for deposit any collateral described in this subsection if in his judgment it is not desirable so to do;

(6) In addition to the foregoing, every county depositary may also deposit with the county treasurer 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.

In counties where the combined banking capital and surplus of all of the banks in the county is insufficient to carry the county funds the provision of this section with reference to the limit of the amount to be deposited in any one depositary may be waived by the county finance committee.

In the event repayment of deposits in any such depositary is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency, or instrumentality organized and acting under and pursuant to the laws of the United States, the execution and filing of a bond with the treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount of deposits exceeds the amount of such insurance, and if the depositary elects to deposit securities in lieu of the bond, it shall be required

to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

Sec. 4. Section 36.48.100, chapter 4, Laws of 1963 and RCW 36.48.100 are each amended to read as follows:

RCW 36.48.100 amended.

Upon depositing any public or trust funds the clerk shall demand and the depository bank shall furnish to the clerk, a surety bond, to be approved by the clerk and the prosecuting attorney of said county, in a sufficient amount to equal the maximum deposit of the clerk with such depository, conditioned for the prompt and faithful payment of said deposits upon demand, said surety bond shall not be canceled during the time for which it has been written by the surety company: *Provided*, That the depository may deposit with the county clerk in lieu of the surety bond herein provided for, securities authorized by RCW 36.48.020, as now or hereafter amended, to be approved by said county clerk and the prosecuting attorney of said county, of a market value in an amount not less than the amount of the maximum funds deposited: *Provided further*, That all depositories which have qualified for insured deposits under the Federal Deposit Insurance Act (12 United States Code Annotated page 264) or any acts amendatory, supplemental, or substituted therefor, shall not be required to furnish bonds or securities, except for so much of said fund deposited not insured under the Federal Deposit Insurance Act.

County clerks' funds depositories—Bond or collateral.

Sec. 5. Section 35.38.020, chapter 7, Laws of 1965 and RCW 35.38.020 are each amended to read as follows:

RCW 35.38.020 amended.

Before any such designation shall become effectual and entitle the treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten days after the same is filed with the comptroller, file with the city comptroller a con-

Public funds—  
 Depositories—  
 Cities of 75,000  
 or more popu-  
 lation.

tract with the city wherein the bank agrees to pay such rate of interest on the cash daily balance of all municipal funds kept by such treasurer in said bank, while acting as such depository, as shall be fixed from time to time by the city finance committee; such payments to be made monthly to the city while said deposit continues in such depository. The contract shall run to the city and be in such form as shall be approved by the mayor or corporation counsel.

Such bank shall also file with the comptroller of such city a surety bond or bonds to the city in the amount of the deposits of such city that may be carried in the designated bank, conditioned for the prompt payment thereof on checks duly drawn by the said treasurer; or in lieu thereof shall deposit with the comptroller any of the following enumerated securities, if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall at all times be not less than one hundred and ten percent of the amount of the funds deposited by said treasurer:

(1) Bonds, notes or other securities constituting the 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;

(2) (a) Direct and general obligation bonds and warrants of the state of Washington, or of any other state of the United States;

(b) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

(3) Direct and general obligation bonds and warrants of any city, town, county, school district, port district or other political subdivision in the

state of Washington, having the power to levy general taxes, which are payable from general ad valorem taxes;

(4) Bonds issued by public utility districts as authorized under the provisions of Title 54 RCW as now or hereafter amended;

(5) 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: *Provided*, That said comptroller need not accept for deposit any collateral described in this subdivision if in his judgment it is not desirable so to do;

(6) In addition to the foregoing, every city depository may also deposit with the city comptroller 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.

Sec. 6. Section 35.38.040, chapter 7, Laws of 1965 and RCW 35.38.040 are each amended to read as follows:

Before any such designation shall entitle the treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten days after the same is filed with the city or town clerk, file with the city or town clerk a surety bond to the city or town in the maximum amount of deposits designated by the treasurer to be carried in the designated bank, conditioned for the prompt payment thereof on checks duly drawn by the treasurer, which surety bond shall be approved by the mayor and city or town clerk.

In lieu of a surety bond the bank or banks shall deposit with the city or town treasurer, subject to

RCW 35.38.040 amended.

Public funds—  
Depositaries—  
Cities or towns  
of less than  
75,000 popula-  
tion—Bond or  
collateral.

Public funds—  
 Depositories—  
 Cities or towns  
 of less than  
 75,000 popula-  
 tion—Bond or  
 collateral.

approval by the mayor and city or town clerk, any securities authorized by RCW 35.38.020 as now or hereafter amended, if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall at all times be not less than one hundred and ten percent of the amount of funds deposited by the treasurer.

Such bank or banks shall also at the same time file with the city or town clerk a contract with the city or town wherein the bank agrees to pay such rate of interest on the average daily balances, where such balances exceed one thousand dollars, of all municipal funds kept by the treasurer in the bank while acting as such depository as shall be fixed from time to time by the city finance committee; such payments to be made monthly to the city or town while said deposits continue in such depository. The contract shall run to the city or town and be in such form as shall be approved by the treasurer, mayor and city or town attorney.

In the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency or instrumentality organized and acting under and pursuant to the laws of the United States, the execution and filing of a bond with the city or town treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount exceeds the amount of such insurance, and if the depository elects to deposit securities in lieu of a bond, it shall be required to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

Passed the Senate February 22, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 133.

[Senate Bill No. 65.]

## BANKS AND TRUST COMPANIES.

AN ACT relating to banks and trust companies; amending section 30.04.090, chapter 33, Laws of 1955 as last amended by section 1, chapter 194, Laws of 1963, and RCW 30.04.090; amending section 30.04.140, chapter 33, Laws of 1955 and RCW 30.04.140; amending section 30.24.030, chapter 33, Laws of 1955 and RCW 30.24.030; amending section 30.20.015, chapter 33, Laws of 1955 as amended by section 6, chapter 280, Laws of 1961, and RCW 30.20.015; and adding a new section to chapter 33, Laws of 1955 and to chapter 30.24 RCW.

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

Section 1. Section 30.04.090, chapter 33, Laws of 1955, as last amended by section 1, chapter 194, Laws of 1963, and RCW 30.04.090 are each amended to read as follows:

RCW 30.04.090 amended.

Every bank and trust company shall maintain available funds of not less than six percent of its savings account and time account deposits and not less than fifteen percent of all of its other deposits; such funds may consist of balances due it from such banks or trust companies as the supervisor may approve, and actual cash or checks on solvent banks located in the same city. Deficiencies in required available funds shall be computed on the basis of the average of daily net balances of such sums, covering semimonthly periods. The supervisor shall prescribe the dates for the commencement and ending of such periods. Each bank shall maintain a record of its daily computations of the above balances on forms prescribed by the supervisor. In the event of a deficiency for a semimonthly period, such bank shall immediately forward to the supervisor a report of such deficiency, the record of its computations for the period deficient and for the prior period, and such additional information as the

Banks and trust companies. Minimum available funds required —Exception.

supervisor requests. This section shall not apply to a corporation which is a member of the federal reserve banking system and duly complies with all of the reserve and other requirements of that system.

**NOTE:** See also section 1, chapter 54, Laws of 1967 ex. sess.

RCW 30.04.140 amended.

Sec. 2. Section 30.04.140, chapter 33, Laws of 1955 and RCW 30.04.140 are each amended to read as follows:

Banks and trust companies—Pledge of securities or assets prohibited—Exceptions.

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 depositary 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.

RCW 30.24.030 amended.

Sec. 3. Section 30.24.030, chapter 33, Laws of 1955 and RCW 30.24.030 are each amended to read as follows:

Investment of trust funds—Insured savings accounts.

A corporation doing a trust business may invest trust funds in savings accounts with itself to the extent that such deposits are insured by the Federal Deposit Insurance Corporation: *Provided*, That additional trust funds may be so invested by the cor-

poration if it first sets aside under the control of its trust department as collateral security:

(1) Direct obligations of the United States or other obligations fully guaranteed by the United States as to principal and interest; or

(2) Bonds or other obligations which constitute general obligations of any state of the United States or municipal subdivision thereof.

The securities so deposited or securities substituted therefor as collateral shall at all times be at least equal in market value to the amount of such funds so deposited.

Sec. 4. There is added to chapter 33, Laws of 1955 and to chapter 30.24 RCW a new section to read as follows: New section.

Funds held by a bank or trust company in a fiduciary capacity awaiting investment or distribution shall not be held uninvested or undistributed any longer than is reasonable for the proper management of the account. Such funds, including managing agency accounts, may, unless prohibited by the instrument creating the trust or by other statutes of this state, be deposited in the commercial or savings or other department of the bank or trust company, provided that the bank or trust company shall first set aside under control of the trust department as collateral security: Fiduciary  
funds—In-  
vestment—  
Collateral  
security.

(1) Direct obligations of the United States or other obligations fully guaranteed by the United States as to principal and interest; or

(2) Bonds or other obligations which constitute general obligations of any state of the United States or municipal subdivision thereof.

The securities so deposited or securities substituted therefor as collateral shall at all times be at least equal in market value to the amount of such funds so deposited, but such security shall not be required to the extent that the funds so deposited

are insured by the Federal Deposit Insurance Corporation.

RCW 30.30.015 amended.

Sec. 5. Section 30.20.015, chapter 33, Laws of 1955 as amended by section 6, chapter 280, Laws of 1961, and RCW 30.20.015 are each amended to read as follows:

Bank and trust companies—  
Joint deposits with right of survivorship.

After any deposit shall be made in a national bank, state bank, trust company or any banking institution subject to the supervision of the supervisor of banking of this state, by any person in the names of such depositor and one or more other persons and in form to be paid to any of them or the survivor of them, such deposit and any additions thereto made by any of such persons after the making thereof, shall become the property of such persons as joint tenants with the right of survivorship, and the same, together with all interest thereon, shall be held for the exclusive use of such persons and may be paid to any of them during their lifetimes or the survivor or survivors. The making of the deposit in such form shall, in the absence of fraud or undue influence, be conclusive evidence, in any action or proceeding to which either such bank or the surviving depositor is a party, of the intention of the depositors to vest title to such deposit and the additions thereto in the survivor or survivors.

Passed the Senate March 2, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 134.

[Senate Bill No. 233.]

PRISON TERMS, PAROLES, AND PROBATION.

AN ACT relating to state government; establishing within the department of institutions a division of probation and parole, and providing for the transfer of certain powers and duties of the state board of prison terms and paroles thereto; providing for the transfer of certain personnel, books, documents and other writings, office equipment and motor vehicles, and other tangible property; amending section 72.01.030, chapter 28, Laws of 1959 and RCW 72.01.030; amending section 3, chapter 114, Laws of 1935 and RCW 9.95.170; amending section 7, chapter 114, Laws of 1935 and RCW 9.95.260; amending section 3, chapter 227, Laws of 1957 and RCW 9.95.200; amending section 4, chapter 227, Laws of 1957 and RCW 9.95.210; amending section 8, chapter 227, Laws of 1957 and RCW 9.95.250; adding a new chapter to Title 72 RCW; providing an effective date; and transferring funds.

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

Section 1. Section 72.01.030, chapter 28, Laws of 1959 and RCW 72.01.030 are each amended to read as follows:

RCW 72.01.030 amended.

There is established within the department of institutions four divisions to be known as, (1) the division of adult corrections, (2) the division of probation and parole, (3) the division of children and youth services, and (4) the division of mental health.

Department of institutions—Divisions enumerated.

Sec. 2. There is added to Title 72 RCW a new chapter to read as set forth in sections 3 through 6 of this 1967 amendatory act.

New chapter to Title 72.

Sec. 3. There is established within the department of institutions a division to be known as the division of probation and parole.

Division of probation and parole—Created.

Sec. 4. The director of institutions shall appoint and deputize an assistant director to be designated the supervisor of probation and parole and such per-

Supervisor.

Division of probation and parole.

son shall have had five years successful administrative experience in the probation and parole field, at the budget, policy and administrative level.

Supervisor, transfer.

Sec. 5. The chief parole and probation officer under the board of prison terms and paroles shall, upon the effective date of this 1967 amendatory act, become the supervisor of probation and parole.

Powers and duties.

Sec. 6. The supervisor of probation and parole, through the division of probation and parole, and with the approval of the director of institutions, shall exercise all powers and perform all duties prescribed by law with respect to the administration of the probation and parole program by the department.

Transfer of powers to new division.

Sec. 7. The powers and duties of the state board of prison terms and paroles, relating to (1) the supervision of parolees of any of the state penal institutions, (2) the supervision of persons placed on probation by the courts, and (3) duties with respect to persons conditionally pardoned by the governor, are transferred to the director of institutions who shall hereafter exercise such powers and perform such duties through the division of probation and parole of the department of institutions.

This section shall not be construed as affecting any of the remaining powers and duties of the board of prison terms and paroles including, but not limited to, the following:

- (1) The fixing of minimum terms of confinement of convicted persons, or the reconsideration of its determination of minimum terms of confinement;
- (2) Determining when and under what conditions a convicted person may be released from custody on parole, and the revocation or suspension of parole or the modification or revision of the conditions of the parole, of any convicted person.

Sec. 8. All employees of the board of prison terms and paroles who are employed in connection with the exercise of the powers and performance of the duties herein transferred to the director of institutions shall, upon the effective date of this 1967 amendatory act, be transferred to the department of institutions.

Transfer of certain employees to new division.

All such employees on permanent status shall be certified as employees of the department of institutions on permanent status and all such employees on probationary status shall be certified as employees of the department of institutions on probationary status. All such employees transferred herein shall continue to be governed in accordance with chapter 41.06, the state civil service law.

The board of prison terms and paroles shall retain in its employ and under its jurisdiction those employees necessary to the performance of its remaining powers and duties and any doubts in this respect shall be resolved by the state personnel board. The board of prison terms and paroles may hire additional employees on a temporary basis or may borrow such employees from other state departments or enter into agreements with other state departments for the pro rata remuneration of employees of other departments whose services are temporarily required by the board.

Sec. 9. The director of institutions through the supervisor of the division of probation and parole of the department of institutions shall cause to be prepared plans and recommendations for the conditions of supervision under which each inmate of any state penal institutions who is eligible for parole may be released from custody. Such plans and recommendations shall be submitted to the board of prison terms and paroles which may, at its discretion, approve, reject, or revise or amend such plans and recommendations for the conditions of supervision of re-

Plans and recommendations—Supervision of paroled prisoners.

lease of inmates on parole, and, in addition, the board may stipulate any special conditions of supervision to be carried out by a probation and parole officer.

Prisoners—  
supervision.

Sec. 10. Each inmate hereafter released on parole shall be subject to the supervision of the division of probation and parole of the department of institutions, and the probation and parole officers of the division shall be charged with the preparation of progress reports of parolees and to give guidance and supervision to such parolees within the conditions of a parolee's release from custody. Copies of all progress reports prepared by the probation and parole officers shall be supplied to the board of prison terms and paroles for their files and records.

Prisoners—  
Violation of  
parole condi-  
tion—Arrest  
without a  
warrant—  
Report.

Sec. 11. Whenever a parolee breaches a condition or conditions under which he was granted parole, or violates any law of the state or rules and regulations of the board of prison terms and paroles, any probation and parole officer may arrest such parolee without a warrant, pending a determination by the board. The facts and circumstances of such conduct of the parolee shall be reported by the probation and parole officer, with recommendations, to the board of prison terms and paroles, who may order the revocation or suspension of parole, revise or modify the conditions of parole or take such other action as may be deemed appropriate in accordance with RCW 9.95.120.

The probation and parole officers shall have like authority and power regarding the arrest and detention of a probationer who has breached a condition or conditions under which he was granted probation by the superior court, or violates any law of the state, pending a determination by the superior court.

In the event a probation and parole officer shall arrest a parolee or probationer in accordance with

the provisions of this section, such parolee or probationer shall be confined and detained in the county jail of the county in which the parolee or probationer was taken into custody, and the sheriff of such county shall receive and keep in the county jail, where room is available, all prisoners delivered thereto by the probation and parole officer, until discharged according to law.

Sec. 12. Upon the effective date of this 1967 amendatory act, the board of prison terms and paroles shall deliver to the director of institutions all books, documents, records, papers and other writings which have been made, and all cabinets, files, furniture, office equipment, motor vehicles, and other tangible property used or held in the exercise of the powers and performance of the duties which, by this 1967 amendatory act, are transferred to the director of institutions. If, however, such books, documents, records, papers and other writings are essential as determined by the board of prison terms and paroles to the performance of duties retained by the board, it may deliver copies of such books, documents, records, papers and other writings to the director of institutions.

Delivery of papers etc to new division.

The board of prison terms and paroles shall retain all books, documents, records, papers and other writings, and all cabinets, files, furniture, office equipment, motor vehicles, and other tangible property used or held in the exercise of the powers and performance of the duties which are not, by this 1967 amendatory act, transferred to the director of institutions.

Sec. 13. Section 3, chapter 114, Laws of 1935 and RCW 9.95.170 are each amended to read as follows:

RCW 9.95.170 amended.

To assist it in fixing the duration of a convicted person's term of confinement, and in fixing the condition for release from custody on parole, it shall

Paroled prisoners.

Board to inform itself as to each convict—Division to make available records.

not only be the duty of the board of prison terms and paroles to thoroughly inform itself as to the facts of such convicted person's crime but also to inform itself as thoroughly as possible as to such convict as a personality. The department of institutions and the institutions under its control shall make available to the board of prison terms and paroles on request its case investigations, any file or other record, in order to assist the board in developing information for carrying out the purpose of this section.

RCW 9.95.260 amended.

Sec. 14. Section 7, chapter 114, Laws of 1935 and RCW 9.95.260 are each amended to read as follows:

Duties of board and division with respect to application for parole.

It shall be the duty of the board of prison terms and paroles, when requested by the governor, to pass on the representations made in support of applications for pardons for convicted persons and to make recommendations thereon to the governor.

It will be the duty of the director of institutions through the division of probation and parole to exercise supervision over such convicted persons as have been conditionally pardoned by the governor, to the end that such persons shall faithfully comply with the conditions of such pardons. The board of prison terms and paroles shall also pass on any representations made in support of applications for restoration of civil rights of convicted persons, and make recommendations to the governor. The department of institutions and the division of probation and parole and the officers and employees thereof shall prepare materials and make investigations requested by the board of prison terms and paroles in order to assist the board in passing on the representations made in support of applications for pardon or for the restoration of civil rights.

RCW 9.95.200 amended.

Sec. 15. Section 3, chapter 227, Laws of 1957 and RCW 9.95.200 are each amended to read as follows:

After conviction by plea or verdict of guilty of any crime, the court upon application or its own motion, may summarily grant or deny probation, or at a subsequent time fixed may hear and determine, in the presence of the defendant, the matter of probation of the defendant, and the conditions of such probation, if granted. The court may, in its discretion, prior to the hearing on the granting of probation, refer the matter to the director of institutions or such officers as the director may designate for investigation and report to the court at a specified time, upon the circumstances surrounding the crime and concerning the defendant, his prior record, and his family surroundings and environment.

Probation by court—Investigation by division.

Sec. 16. Section 4, chapter 227, Laws of 1957 and RCW 9.95.210 are each amended to read as follows:

RCW 9.95.210 amended.

The court in granting probation, may suspend the imposing or the execution of the sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum term of sentence, except as hereinafter set forth and upon such terms and conditions as it shall determine.

Probation and parole—Conditions may be imposed upon probation.

The court in the order granting probation and as a condition thereof, 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 probation impose both imprisonment in the county jail and fine and court costs. 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

Probation and parole—Conditions may be imposed upon probation.

question, and (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 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 supervisor of the division of probation and parole of the department of institutions or such officer as the supervisor may designate and as a condition of said probation to follow implicitly the instructions of the supervisor of probation and parole. The supervisor of probation and parole with the approval of the director of institutions will promulgate rules and regulations for the conduct of such person during the term of his probation.

**NOTE:** See also section 8, chapter 200, Laws of 1967.

RCW 9.95.250 amended.

Sec. 17. Section 8, chapter 227, Laws of 1957 and RCW 9.95.250 are each amended to read as follows:

State probation and parole officers.

In order to carry out the provisions of this chapter 9.95 RCW the parole officers working under the supervision of the director of institutions shall be known as probation and parole officers.

Transfer of appropriations.

Sec. 18. Any appropriation made to the board of prison terms and paroles for the purpose of carrying out the powers and duties transferred by this 1967 amendatory act to the director of institutions shall be transferred and credited to the department of institutions for the purpose of carrying out such transferred powers and duties.

Effective date.

Sec. 19. This act shall take effect on July 1, 1967.

Passed the Senate February 22, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 135.

[Senate Bill No. 212.]

## PUBLIC EMPLOYERS—INSURANCE AND HEALTH CARE PROGRAMS.

AN ACT relating to insurance and health care programs on employees of state and political subdivisions of the state; amending section 1, chapter 75, Laws of 1963, as amended by section 1, chapter 57, Laws of 1965, and RCW 41.04.180; and amending section 1, chapter 187, Laws of 1959 and RCW 28.76.410.

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

Section 1. Section 1, chapter 75, Laws of 1963, as amended by section 1, chapter 57, Laws of 1965, and RCW 41.04.180 are each amended to read as follows:

RCW 41.04.180 amended.

Any department, division, or separate agency of the state government, and any county, municipality or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose as determined by the budget director as respects to state agencies provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW, for group hospitalization and medical aid policies or plans: *Provided*, That any department, division or separate agency of state government, and any county, municipality or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors: *And provided further*, That any county may provide such hospitalization and med-

Public employees—Insurance and health care programs. Contribution by employer. Exceptions.

Public employees—Insurance and health care programs. Contribution by employer. Exceptions.

ical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: *Provided further*, That the contributions of any department, division or separate agency of the state government shall be limited to not to exceed fifty percent of any premium therefor, or ten dollars per month per employee covered, whichever is less except that such limitation shall not apply to employees employed under chapter 47.64 RCW: *Provided further*, That provision for school district employees shall not be made under this act but shall be as provided in RCW 28.76.410.

RCW 28.76.410 amended.

Sec. 2. Section 1, chapter 187, Laws of 1959 and RCW 28.76.410 are each amended to read as follows:

School district employees—Contributions by employer.

The regents, trustees, or board of directors of any of the state's educational institutions or school districts may make available liability, life, health, accident, disability and salary insurance or any one of, or a combination of, the enumerated types of insurance for the regents, trustees, members of boards of directors, students and employees of the institution or school district, and their dependents. Whenever funds shall be available for these purposes, the regents, trustees or board of directors of any of the state's educational institutions or school districts may contribute toward the cost of such life, health, accident, disability and salary insurance, including hospitalization and medical aid, for the employees of their respective institutions or school districts and their dependents in an amount not to exceed fifty percent of the premiums therefor, or ten dollars per month per employee covered, whichever is the lesser. The premiums due on such liability insurance shall be borne by the university, college or school district. The premiums due on such life, health, accident, or disability and salary insur-

ance shall be borne by the assenting regent, trustee, member of board of directors, or student.

Passed the Senate March 8, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 136.

[Senate Bill No. 133.]

### PORT DISTRICTS—EXPENDITURES FOR PROMOTIONAL HOSTING, ETC.

AN ACT relating to port districts; and establishing procedure when making certain expenditures for industrial development, trade promotion and promotional hosting.

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

Section 1. Under the authority of Article VIII, section 8, of the state Constitution, port district expenditures for industrial development, trade promotion or promotional hosting shall be pursuant to specific budget items as approved by the port commission at the annual public hearings on the port district budget.

Port districts.  
Expenditures  
for promotional  
hosting—  
Budgeting—  
Hearings.

Sec. 2. Funds for promotional hosting expenditures shall be expended only from gross operating revenues and shall not exceed one percent thereof upon the first two million five hundred thousand dollars of such gross operating revenues, one-half of one percent upon the next two million five hundred thousand dollars of such gross operating revenues, and one-fourth of one percent on the excess over five million dollars of such operating revenues: *Provided, however,* That in no case shall these limitations restrict a port district to less than twenty-five hundred dollars per year from any funds available to the port.

Funds—Limi-  
tation on ex-  
penditures—  
Exceptions.

Port districts.  
Expenditures  
for promotional  
hosting—  
Adoption of  
rules and regu-  
lations con-  
cerning.

Sec. 3. Port commissions shall adopt, in writing, rules and regulations governing promotional hosting expenditures by port employees or agents. Such rules shall identify officials and agents authorized to make such expenditures and the approved objectives of such spending. Port commissioners shall not personally make such expenditures, or seek reimbursement therefor, except where specific authorization of such expenditures has been approved by the port commission. All payments and reimbursements shall be identified and supported on vouchers approved by the port auditor.

Audits by  
state auditor.

Sec. 4. The state auditor shall, as provided in chapter 43.09 RCW: (a) Audit expenditures made pursuant to this act; and (b) promulgate appropriate rules and definitions as a part of the uniform system of accounts for port districts to carry out the intent of this act: *Provided*, That such accounts shall continue to include "gross operating revenues" which shall be exclusive of revenues derived from any property tax levy except as provided in section 2.

Passed the Senate March 6, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 137.

[Substitute Senate Bill No. 103.]

DELINQUENT OR DEPENDENT CHILDREN—  
COMMITMENT.

AN ACT relating to juvenile courts; and amending section 6, chapter 302, Laws of 1961 and RCW 13.04.095; and declaring an emergency.

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

Section 1. Section 6, chapter 302, Laws of 1961 and RCW 13.04.095 are each amended to read as follows:

RCW 13.04.095 amended.

When any child shall be found to be delinquent or dependent, within the meaning of this chapter, the court shall make such order for the care, custody, or commitment of the child as the child's welfare in the interest of the state require. Subject to further order, the court may commit the child:

Delinquent or dependent children—Commitment.

- (1) To the care of such child's parents, subject to supervision of the probation officer; or
- (2) To the custody of a probation officer, subject to such conditions as the judge may impose; or
- (3) To a reputable citizen or association able and willing to receive and care for such child; or
- (4) To an appropriate private agency authorized to care for children; or
- (5) To the department of public assistance; or
- (6) To the department of institutions if the court finds such child to be delinquent, or a dependent child whose dependency arises from incorrigibility as defined by RCW 13.04.010 (7).

In no case shall a child be committed beyond the age of twenty-one years. A child committed to the department of institutions shall be subject to the supervision and control thereof and the department shall have the power to parole such child under such conditions as may be prescribed.

Delinquent or  
dependent  
children—  
Commitment.

The department of institutions shall have the power to discharge such child from custody, and the court shall have the power to rescind the commitment of such child, whenever his or her reformation shall be deemed complete.

The court shall rescind the commitment of any dependent child who was, prior to the effective date of this act, committed to the department of institutions unless such child is incorrigible or delinquent within the meaning of this chapter and the department of institutions shall return the child forthwith to the committing court for such action: *Provided*, That the court may commit such dependent child as otherwise provided in this chapter.

Emergency.

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 28, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 138.

[Senate Bill No. 121.]

## STATE INSTITUTIONS—CONDITIONAL MEDICINE AND SURGERY LICENSES.

AN ACT relating to the conditional licensing to practice medicine and surgery of certain employees of the department of institutions; amending section 1, chapter 189, Laws of 1959 as amended by section 1, chapter 29, Laws of 1965 and RCW 18.71.095; and amending section 2, chapter 189, Laws of 1959 as amended by section 2, chapter 29, Laws of 1965 and RCW 18.71.096.

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

Section 1. Section 1, chapter 189, Laws of 1959 as amended by section 1, chapter 29, Laws of 1965 and RCW 18.71.095 are each amended to read as follows:

RCW 18.71.095  
amended.

Notwithstanding any provisions of law to the contrary, the director of the department of motor vehicles shall, upon the written request of the director of the department of institutions, issue a conditional certificate or license to practice medicine and surgery in this state to such person or persons as requested by the director of the department of institutions; who have been accepted for employment by the department as physicians or psychiatrists; who are licensed to practice medicine and surgery in another state of the United States; and who are graduates of a medical school accredited and approved in accordance with the provisions of RCW 18.71.055, as now or hereafter amended; any such license or conditional certificate to practice medicine and surgery in this state shall be issued by the director of the department of motor vehicles, and in addition to the above requirements shall be subject to the following limitations, which shall be set forth therein:

Physicians and  
surgeons.  
Conditional  
certificates or  
licenses—Out-  
of-state  
licensees.

(1) The licensee shall only practice the profession of medicine and surgery in conjunction with patients, residents, or inmates of the state institu-

Physicians and surgeons. Conditional certificates or licenses—Out-of-state licensees.

tions under the control and supervision of the director of the department of institutions.

(2) The licensee shall be subject to the jurisdiction of the medical disciplinary board to the same extent as other members of the medical profession, in accordance with chapter 18.72 and in addition, the conditional license or certificate to practice medicine and surgery in the state of Washington may be revoked by the medical disciplinary board after a hearing has been held in accordance with the provisions set forth in chapter 18.72, and determination made by the medical disciplinary board that such licensee has violated the limitations set forth in subsection (1) hereof.

(3) Such license shall remain in full force and effect only so long as the licensee remains an employee of the department of institutions, and his duties as such employee require him to practice the profession of medicine and surgery, unless such conditional license or certificate is revoked or suspended by the medical disciplinary board, in accordance with the provisions of chapter 18.72.

RCW 18.71.096 amended.

Sec. 2. Section 2, chapter 189, Laws of 1959 as amended by section 2, chapter 29, Laws of 1965 and RCW 18.71.096 are each amended to read as follows:

Duration—Expiration—Nonrenewable.

The director of motor vehicles shall cause a conditional license or certificate to practice medicine and surgery to be issued subject to the provisions of RCW 18.71.095, which shall remain in effect for a period of two years and which shall not be renewable at the expiration of such conditional license. All conditional licenses issued prior to July 1, 1967, pursuant to the authority of RCW 18.71.095, shall remain in full force and effect subject to the jurisdiction of the medical disciplinary board.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 139.

[Substitute Senate Bill No. 78.]

## PUBLIC CONTRACTS—BIDDING—OFFSHORE ITEMS.

AN ACT relating to public bidding; establishing procedures therefor.

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

Section 1. As used in this act:

(1) The term "state" shall include the state of Washington and all departments, supervisors, commissioners and agencies thereof.

(2) The term "municipality" shall include every city, county, town, district or other public agency thereof which is authorized by law to require the execution of public work.

(3) The term "contract" shall mean a contract in writing for the execution of public work for a fixed or determinable amount and a contract for the purchase of materials, supplies, goods, wares or merchandise duly awarded after advertisement and competitive bid.

(4) The term "offshore items" shall mean those items procured from sources beyond the territorial boundaries of the United States including Alaska and Hawaii.

Sec. 2. Whenever competitive bids are solicited for public contract, such solicitation shall set forth, in addition to the terms and specifications thereof, a requirement that the bidder shall furnish, upon completion of the contract, a statement certified by the bidder setting forth the nature and source of offshore items in excess of two thousand five hundred dollars which have been utilized in the performance of the contract.

Sec. 3. The director of general administration, through the division of purchasing, regarding all

Public contracts—Bidding—Offshore items—Definitions.

Bidding, statement of nature and source of offshore items.

Public contracts—Statement regarding offshore items—Filing certificates—public records.

contracts to which the state is a party, and the responsible purchasing officers of each municipality, regarding all contracts to which the municipality is a party, shall keep the certificates required by section 2 of this act and shall maintain them in an orderly fashion. The certificates shall be available for examination by the public. They shall be kept for a period of five years from the date of their receipt.

Passed the Senate March 2, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 140.

[Senate Bill No. 43.]

MOTOR VEHICLES—OWNERSHIP—REGISTRATION—  
SECURITY INTERESTS.

AN ACT relating to certificates of title and registration for motor vehicles; amending section 46.12.010, chapter 12, Laws of 1961 as amended by section 6, chapter 32, Laws of 1967 (SB 36) and RCW 46.12.010; amending section 46.12.120, chapter 12, Laws of 1961 and RCW 46.12.120; amending section 46.12.130, chapter 12, Laws of 1961 and RCW 46.12.130; amending section 46.12.170, chapter 12, Laws of 1961 and RCW 46.12.170; repealing section 46.12.100, chapter 12, Laws of 1961 as amended by section 10, chapter 32, Laws of 1967 (SB 36) and RCW 46.12.100; repealing section 46.12.110, chapter 12, Laws of 1961 and RCW 46.12.110; repealing section 46.12.150, chapter 12, Laws of 1961 and RCW 46.12.150; repealing section 46.12.180, chapter 12, Laws of 1961 and RCW 46.12.180; adding new sections to chapter 12, Laws of 1961 and 46.12 RCW and declaring an effective date.

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

RCW 46.12.010 amended.

Section 1. Section 46.12.010, chapter 12, Laws of 1961 as amended by section 6, chapter 32, Laws of 1967 (SB 36) and RCW 46.12.010 are each amended to read as follows:

It shall be unlawful for any person to operate any vehicle in this state under a certificate of license registration of this state without securing and having in full force and effect a certificate of ownership therefor and it shall further be unlawful for any person to sell or transfer any vehicle without complying with all the provisions of this chapter relating to certificates of ownership and license registration of vehicles: *Provided*, No certificate of title need be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing and demonstration, or a vehicle used by a manufacturer solely for testing: *Provided*, That a security interest in a vehicle held as inventory by a manufacturer or dealer shall be perfected in accordance with RCW 62A.9-302(1) and no endorsement on the certificate of title shall be necessary for perfection: *And provided further*, That nothing in this title shall be construed to prevent any person entitled thereto from securing a certificate of ownership upon a vehicle without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of motor vehicles, it is proper to do so.

Motor vehicles  
—Certificates  
of ownership  
and registra-  
tion—License  
plates required  
—Exceptions.

**NOTE:** See also section 6, chapter 32, Laws of 1967.

Sec. 2. Section 46.12.120, chapter 12, Laws of 1961 and RCW 46.12.120 are each amended to read as follows:

RCW 46.12.120  
amended.

If the purchaser or transferee is a dealer he shall, on selling or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe, and showing any secured party holding a security interest created or reserved at the time of resale and the date of his security agreement, to which shall be attached the assigned certificates of ownership and license registration received by the dealer, and mail

Motor vehicles  
—Certificates  
of ownership  
and registra-  
tion—Transfer  
—Duty when  
purchaser of  
transferee is  
a dealer.

Motor vehicles  
—Certificates  
of ownership  
and registra-  
tion—Transfers  
—Duty when  
purchaser of  
transferee is  
a dealer.

or deliver them to the department with the transferee's application for the issuance of new certificates of ownership and license registration: *Provided*, That the title certificate issued for a motor vehicle possessed by a dealer and subject to a security interest shall be delivered to the secured party who upon request of the dealer's transferee shall, unless the transfer was a breach of his security agreement, either deliver the certificate to the transferee for transmission to the department, or upon receipt from the transferee of the owner's bill of sale or sale document, the transferee's application for a new certificate and the required fee, mail or deliver to the department: *And provided further*, That failure of a dealer to deliver the title certificate to the secured party does not affect perfection of the security interest.

RCW 46.12.130  
amended.

Sec. 3. Section 46.12.130, chapter 12, Laws of 1961 and RCW 46.12.130 are each amended to read as follows:

Transfer—  
Assigned cer-  
tificates to be  
filed—Trans-  
fers by other  
than registered  
owner.

Certificates of ownership when assigned and returned to the department, together with subsequently assigned reissues thereof, shall be retained by the department and appropriately filed and indexed so that at all times it will be possible to trace ownership to the vehicle designated therein:

(1) If the interest of an owner in a vehicle passes to another, other than by voluntary transfer, the transferee shall, except as provided in subsection (3) of this section, promptly mail or deliver to the department the last certificate of ownership if available, proof of transfer, and his application for a new certificate in the form the department prescribes.

(2) If the interest of the owner is terminated or the vehicle is sold under a security agreement by a secured party named in the certificate of ownership, the transferee shall promptly mail or deliver to the

department the last certificate of ownership, his application for a new certificate in the form the department prescribes, and an affidavit made by or on the behalf of the secured party that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.

(3) If the secured party succeeds to the interest of the owner and holds the vehicle for resale, he need not secure a new certificate of ownership but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the department the certificate, affidavit and other documents (and articles) required to be sent to the department by the transferee.

Sec. 4. Section 46.12.170, chapter 12, Laws of 1961 and RCW 46.12.170 are each amended to read as follows:

RCW 46.12.170 amended.

If, after a certificate of ownership is issued, a security agreement is placed on the vehicle described therein, the registered owner shall, within ten days thereafter, present his application to the director, signed by the secured party, to which shall be attached the certificate of license registration and the certificate of ownership last issued covering the vehicle, which application shall be upon a form provided by the director and shall be accompanied by a money order, bank draft, or certified bank check for one dollar. The director, if he is satisfied that there should be a reissue of the certificates, shall note such change upon his records and issue to the registered owner a new certificate of license registration and to the secured party a new certificate of ownership.

Motor vehicles—Certificates of ownership and registration—Procedure when security instrument is placed on vehicle.

Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must assign the certificate of ownership

Motor vehicles  
—Certificates  
of ownership  
and registra-  
tion—Proce-  
dure when  
security in-  
strument is  
placed on  
vehicle.

to the debtor or the debtor's assignee and transmit the certificate to the department with an accompanying fee of one dollar. The department shall then issue a new certificate of ownership and transmit it to the owner. If the affected secured party fails to either assign or transmit the certificate of ownership to the debtor within ten days after proper demand, he shall be liable to the debtor for \$100, and in addition for any loss caused to the debtor by such failure.

New section.

Sec. 5. There is added to chapter 12, Laws of 1961 and 46.12 RCW a new section to read as follows:

Definitions.

As used in this amendatory act, the words "Delivery", "Notice", "Send" and "Security Interest" shall have the same meaning as these terms are defined in RCW 62A.1-201 as now and hereafter amended; the word, "Secured Party" shall have the same meaning as this term is defined in RCW 62A.9-105 as now and hereafter amended.

New section.

Sec. 6. There is added to chapter 12, Laws of 1961 and 46.12 RCW a new section to read as follows:

Perfecting a  
security inter-  
est in a  
vehicle.

A security interest in a vehicle other than one held as inventory by a manufacturer or a dealer and for which a certificate of ownership is required is perfected only by compliance with the requirements of this section:

(1) A security interest is perfected only by the department's receipt of: (a) The existing certificate, if any, and (b) An application for a certificate of ownership containing the name and address of the secured party and the date of his security agreement, and (c) Tender of the required fee.

(2) It is perfected as of the time of its creation if the papers and fee referred to in the preceding subsection are received by this department within

eight department business days exclusive of the day on which the security agreement was created; otherwise, as of the date on which the department has received the papers and fee required in subsection (1).

(3) If a vehicle is subject to a security interest when brought into this state, perfection of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest was attached, subject to the following:

(a) If the security interest was perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, the following rules apply:

(b) If the name of the secured party is shown on the existing certificate of ownership issued by that jurisdiction, the security interest continues perfected in this state. The name of the secured party shall be shown on the certificate of ownership issued for the vehicle by this state. The security interest continues perfected in this state upon the issuance of such ownership certificate.

(c) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, it may be perfected in this state; in that case, perfection dates from the time of perfection in this state.

Sec. 7. There is added to chapter 12, Laws of 1961 and 46.12 RCW a new section to read as follows: New section.

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section. Perfecting transfer in motor vehicle

(1) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment to the transferee in the space provided therefor on the certificate or as the depart-

**Perfecting  
transfer in  
motor vehicle**

ment prescribes, and cause the certificate and assignment to be transmitted to the transferee or to the department.

(2) Except as provided in RCW 46.12.120 the transferee shall within fifteen days after delivery to him of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(3) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party under his security agreement.

(4) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(5) If the purchaser or transferee fails or neglects to transfer such certificate of ownership and license registration within fifteen days after date of delivery of the vehicle to him, he shall on making application for transfer be assessed a five-dollar penalty on the sixteenth day and one dollar additional for each day thereafter, but not to exceed fifteen dollars.

(6) Upon receipt of an application for the reissue of a certificate of ownership and transfer of license registration, accompanied by the endorsed

certificate of ownership and such other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificates of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the State Treasurer, to be deposited in the motor vehicle fund.

Sec. 8. There is added to chapter 12, Laws of 1961 and 46.12 RCW a new section to read as follows: New section.

If a certificate of ownership or a certificate of license registration is lost, stolen, mutilated or destroyed or becomes illegible, the first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and upon furnishing information satisfactory to the department. The duplicate certificate of ownership or license registration shall contain the legend, "This is a duplicate certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the first priority secured party named in it or, if none, to the owner. Lost, stolen or mutilated certificate of license registration. New certificate.

The department shall not issue a new certificate of ownership to a transferee upon application made for a duplicate until fifteen department business days after receipt of the application.

A person recovering an original certificate of ownership or title registration for which a duplicate has been issued shall promptly surrender the original certificate to the department.

New section.

Sec. 9. There is added to chapter 12, Laws of 1961 and 46.12 RCW a new section to read as follows:

Motor vehicles.  
Certificates of  
registration  
and ownership  
—Department  
unsatisfied as  
to ownership  
or to existence  
of security in-  
terests—Bond.

If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle but shall either:

(1) Withhold issuance of a certificate of ownership until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(2) As a condition of issuing a certificate of ownership, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, or in lieu thereof a deposit of cash in like amount. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, or any cash deposit shall be returned at the end of three years or prior thereto if the vehicle is no longer registered in this state and the currently valid certificate of ownership is surrendered to the depart-

ment, unless the department has been notified of the pendency of an action to recover on the bond.

Sec. 10. Section 46.12.100, chapter 12, Laws of 1961 as amended by section 10, chapter 32, Laws of 1967 (SB 36) and RCW 46.12.100; section 46.12.110, chapter 12, Laws of 1961 and RCW 46.12.110; section 46.12.150, chapter 12, Laws of 1961 and RCW 46.12.150; section 46.12.180, chapter 12, Laws of 1961 and RCW 46.12.180 are each repealed.

Repeal.

**NOTE:** See also section 10, chapter 32, Laws of 1967.

Sec. 11. This act shall become effective at midnight on June 30, 1967. It applies to transactions entered into and events occurring after that date.

Effective date.

Passed the Senate January 26, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 141.

[Senate Bill No. 40.]

STATE RESIDENTIAL SCHOOLS—RESIDENTS—  
FINANCIAL RESPONSIBILITY.

AN ACT relating to the department of institutions; providing for responsibility of mentally or physically deficient persons residing in state residential schools for payment of the cost of care, support and treatment while residing in such institutions; providing procedures for establishing rates of charge; providing provisions for enforcement; amending section 72.33.180, chapter 28, Laws of 1959, as amended by section 1, chapter 61, Laws of 1959, and RCW 72.33.180; adding new sections to chapter 28, Laws of 1959 and to chapter 72.33 RCW; and providing an effective date.

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

Section 1. The purpose of this 1967 amendatory act is to place financial responsibility for cost of care, support and treatment upon those residents of

State residential schools—  
Financial responsibility  
of residents.  
Purpose.

State residen-  
tial schools—  
Financial  
responsibility  
of residents.  
Purpose.

state residential schools who possess assets over and above the minimal amount required to be retained for personal use; to provide procedures for establishing such liability and the monthly rate thereof, and the process for appeal therefrom to the director of the department of institutions and the courts by any person deemed aggrieved thereby.

New section.

Sec. 2. There is added to chapter 28, Laws of 1959 and to chapter 72.33 RCW a new section to read as follows:

Liability of  
estate of  
residents.

The estates of all mentally or physically deficient persons who have been admitted to the state residential schools listed in RCW 72.33.030 either by application of their parents or guardian or by commitment of court, or who may hereafter be admitted or committed to such institutions, shall be liable for their per capita costs of care, support and treatment: *Provided*, That the estate funds may not be reduced as a result of such liability below an amount of one thousand dollars.

New section.

Sec. 3. There is added to chapter 28, Laws of 1959 and to chapter 72.33 RCW a new section to read as follows:

Costs—Compu-  
tation—Aver-  
age per capita  
cost—  
Collection.

The charges for care, support and treatment as provided in section 2 of this 1967 amendatory act shall be based on the average monthly per capita costs of operating such residential schools for the previous calendar year taking into consideration all expenses of institutional operation, maintenance and repair, salaries and wages, equipment and supplies: *Provided*, That all expenses directly related to the cost of education, vocational training and capital construction shall be excluded from the computation of the average per capita cost. The average per capita cost shall be computed by the department of institutions annually and adopted as a rule of the department in accordance with the provisions of

chapter 42.32 RCW and of chapter 34.04 RCW. The department of institutions shall be charged with the duty of collection of such charges which may be enforced by civil action instituted by the attorney general within or without the state.

Sec. 4. There is added to chapter 28, Laws of 1959 and to chapter 72.33 RCW a new section to read as follows:

The department of institutions shall investigate and determine the assets of the estates of each resident of a state residential school and the ability of each such estate to pay all, or any portion of, the average monthly charge for care, support and treatment at a state residential school as determined by the procedure set forth in section 3 of this 1967 amendatory act: *Provided*, That the sum of one thousand dollars shall be retained by the estate of the resident at all times for such personal needs as may arise: *Provided further*, That where any person other than a resident or the guardian of his estate deposits funds so that the depositor and a resident become joint tenants with the right of survivorship, such funds shall not be considered part of the resident's estate so long as the resident is not the sole survivor among such joint tenants.

Sec. 5. There is added to chapter 28, Laws of 1959 and to chapter 72.33 RCW a new section to read as follows:

In all cases where a determination is made that the estate of a mentally or physically deficient person who resides at a state residential school is able to pay all or any portion of the monthly charges, a notice and finding of financial responsibility shall be personally served on the guardian of the resident's estate, or if no guardian has been appointed then to his spouse or parents and to the attorney general. The notice shall set forth the amount the depart-

Financial  
responsibility  
of residents  
at state resi-  
dential schools  
—Determina-  
tion of ability  
to contribute.

ment has determined that such estate is able to pay per month, not to exceed the monthly charge as fixed in accordance with section 3 of this act, and the responsibility for payment to the department of institutions shall commence thirty days after personal service of such notice and finding of responsibility. An appeal from the determination of responsibility may be made to the director within such thirty day period upon written notice of appeal being served upon the director by registered or certified mail. If no appeal is taken, the notice and finding of responsibility shall become final. If an appeal is taken, the execution of notice and finding of responsibility shall be stayed pending the decision of such appeal. Appeals may be heard in any county seat most convenient to the appellant. The hearing of appeals may be presided over by a hearing examiner and the proceedings shall be recorded either manually or by a mechanical device. Any such appeal shall be a "contested case" as defined in RCW 34.04.010, and practice and procedure shall be governed by the provisions of this 1967 amendatory act, the rules and regulations of the department of institutions, and the Administrative Procedure Act, chapter 34.04 RCW.

New section.

Sec. 6. There is added to chapter 28, Laws of 1959 and to chapter 72.33 RCW a new section to read as follows:

Attorney gen-  
eral guardian  
ad litem—  
Limitation.

(1) Whenever the assets of the estate of a resident of a state residential school total more than one thousand dollars, and a guardian of the estate has not already been appointed, the attorney general shall be deemed to have been appointed guardian of such estate by the Thurston County Superior Court as of the date a notice and finding of financial responsibility are served on the attorney general as provided in section 5 of this act. The attorney general shall serve as such guardian until another

guardian is appointed, or until the guardianship is terminated, as provided in chapter 11.88 RCW. No assistant attorney general representing the department of institutions shall also represent the estate of a resident of a state residential school.

(2) Whenever the attorney general serves as guardian of an estate under subsection (1) of this section no bond shall be required and no court order authorizing or directing payment to the department of institutions for care, support and treatment shall be necessary: *Provided*, That the attorney general shall be satisfied that the provisions of this act are met before payment is made from the resident's estate to the department of institutions for care, support and treatment. Except as otherwise provided in this section the provisions in chapters 11.88 and 11.92 RCW shall apply, wherever pertinent, to proceedings under this act, including RCW 11.92.180.

Sec. 7. There is added to chapter 28, Laws of 1959 and to chapter 72.33 RCW a new section to read as follows:

New section.

The director, upon application of the guardian of the estate of the resident, and after investigation, or upon investigation without application, may, if satisfied of the financial ability or inability of such person to make payments in accordance with the original finding of responsibility, modify or vacate such original finding of responsibility, and enter a new finding of responsibility. The director's determination to modify or vacate findings of responsibility shall be served and be appealable in the same manner and in accordance with the same procedure for appeals of original findings of responsibility.

Modification or vacation of determination of ability to pay.

Sec. 8. There is added to chapter 28, Laws of 1959 and to chapter 72.33 RCW a new section to read as follows:

New section.

Financial re-  
sponsibility—  
State residen-  
tial schools—  
Payable in  
advance  
monthly.

The charges for care, support, maintenance and treatment of mentally or physically deficient persons at state residential schools as provided by this 1967 amendatory act shall be payable in advance on the first day of each and every month to the department of institutions.

New section.

Sec. 9. There is added to chapter 28, Laws of 1959 and to chapter 72.33 RCW a new section to read as follows:

Liability of  
after-acquired  
property.

The provisions of this 1967 amendatory act shall not be construed to prohibit or prevent the department of institutions from obtaining reimbursement from any person liable under this 1967 amendatory act for payment of the full amount of the accrued per capita cost from any property acquired by gift, devise or bequest subsequent to and regardless of the initial findings of responsibility under section 5 of this 1967 amendatory act: *Provided*, That the estate of any resident of a state residential school shall not be liable for such reimbursement subsequent to his placement out of the state residential school: *Provided further*, That upon the death of any person while a resident in a state residential school his estate shall become liable to the same extent as the resident's liability on the date of death.

RCW 72.33.180  
amended.

Sec. 10. Section 72.33.180, chapter 28, Laws of 1959, as amended by section 1, chapter 61, Laws of 1959, and RCW 72.33.180 are each amended to read as follows:

The superintendent of a state school shall serve as custodian without compensation of such personal property of a resident as may be located at the school, including moneys deposited with the superintendent for the benefit of such resident. As such custodian, the superintendent shall have authority to disburse moneys from the resident's fund for the

following purposes and subject to the following limitations:

Superintendent as custodian of personal property of a resident—Disbursements.

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

(2) When a resident is granted placement, the superintendent shall deliver to said resident, or the parent, guardian or agency legally responsible for the resident, all or such portion of the funds of which the superintendent is custodian as above defined, or other property belonging to the resident, as the superintendent may deem necessary to the resident's welfare, and the superintendent may during such placement deliver to the former resident such additional property or funds belonging to the resident as the superintendent may from time to time deem proper. When the conditions of placement have been fully satisfied and the resident is discharged, the superintendent shall deliver to such resident, or the parent, person or agency legally responsible for the resident, all funds or other property belonging to the resident remaining in his possession as custodian.

(3) All funds held by the superintendent as custodian may be deposited in a single fund, the receipts and expenditures therefrom to be accurately accounted for by him: *Provided*, That all interest accruing from, or as a result of the deposit of such moneys in a single fund shall be used by the superintendent for the general welfare of all the residents of such institution: *Provided, further*, That when the personal accounts of residents exceed three hundred dollars, the interest accruing therefrom shall be credited to the personal accounts of such resi-

Superintendent as custodian of personal property of a resident—Disbursements.

dents. All such expenditures shall be subject to the duty of accounting provided for in this section.

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

(5) Upon receipt of a written request from the superintendent stating that a designated individual is a resident of the state school for which he has administrative responsibility and that such resident has no legally appointed guardian of his estate, any person, bank, corporation, or agency having possession of any money, bank accounts, or choses in action owned by such resident, shall, if the amount does not exceed one thousand dollars, deliver the same to the superintendent as custodian and mail written notice thereof to such resident at the state school. The receipt of the superintendent shall constitute full and complete acquittance for such payment and the person, bank, corporation, or agency making such payment shall not be liable to the resident or his legal representatives. All funds so received by the superintendent shall be duly deposited by him as custodian in the resident's fund to the personal account of such resident.

If any proceeding is brought in any court to recover property so delivered, the attorney general shall defend the same without cost to the person, bank, corporation, or agency effecting such delivery to the superintendent, and the state shall indemnify such person, bank, corporation, or agency against

any judgment rendered as a result of such proceeding.

Sec. 11. The liabilities created by this 1967 amendatory act shall apply to the care, support and treatment occurring after the effective date of this act. Application.

Sec. 12. Notwithstanding any other provision of this 1967 amendatory act, the director may, if in his discretion any resident of a state residential school can be discharged more rapidly therefrom and assimilated into a community, keep an amount not exceeding five thousand dollars in the resident's fund for such resident and such resident shall not thereafter be liable thereon for per capita costs of care, support and treatment as provided for in section 2 of this act. Accelerated care—Limit in residents' funds.

Sec. 13. This 1967 amendatory act shall become effective July 1, 1967. Effective date.

Passed the Senate February 1, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 142.

[Substitute Senate Bill No. 19.]

## GARNISHMENT IN SUPERIOR COURT.

AN ACT relating to garnishment; amending section 3, chapter 56, Laws of 1893, as last amended by section 4, chapter 304, Laws of 1961, and RCW 7.32.030; amending section 4, chapter 56, Laws of 1893 and RCW 7.32.040; amending section 3, chapter 15, Laws of 1933 and RCW 7.32.080; amending section 4, chapter 15, Laws of 1933 and RCW 7.32.090; amending section 6, chapter 56, Laws of 1893 and RCW 7.32.100; amending section 7, chapter 56, Laws of 1893 as amended by section 1, chapter 68, Laws of 1903 and RCW 7.32.110; amending section 8, chapter 56, Laws of 1893, as last amended by section 1, chapter 267, Laws of 1959, and RCW 7.32.120; amending section 9, chapter 56, Laws of 1893 as amended by section 2, chapter 44, Laws of 1933 extraordinary session, and RCW 7.32.130; amending section 10, chapter 56, Laws of 1893 and RCW 7.32.150; amending section 11, chapter 56, Laws of 1893 and RCW 7.32.160; amending section 13, chapter 56, Laws of 1893 and RCW 7.32.180; amending section 15, chapter 56, Laws of 1893 and RCW 7.32.200; amending section 17, chapter 56, Laws of 1893 and RCW 7.32.220; amending section 19, chapter 56, Laws of 1893 and RCW 7.32.240; amending section 25, chapter 56, Laws of 1893 and RCW 7.32.300; amending section 26, chapter 56, Laws of 1893 and RCW 7.32.310; adding a new section to chapter 56, Laws of 1893 and to chapter 7.32 RCW; and repealing section 5, chapter 56, Laws of 1893 and RCW 7.32.050; and providing penalties.

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

RCW 7.32.030  
amended.

Section 1. Section 3, chapter 56, Laws of 1893, as last amended by section 4, chapter 304, Laws of 1961, and RCW 7.32.030 are each amended to read as follows:

Garnishment  
—Superior  
court. Appli-  
cation for writ.

Before the issuance of the writ of garnishment the plaintiff or someone in his behalf shall make application therefor by affidavit, stating the facts authorizing the issuance of the writ, including the amount alleged to be due, and that the plaintiff has reason to believe, and does believe, that the garnishee, stating his name and residence, is indebted

to the defendant, or that he has in his possession, or under his control, personal property or effects belonging to the defendant, or that the garnishee is a corporation and that the defendant is the owner of shares in such corporation or has an interest therein, and shall pay to the clerk of the court a fee as provided by law.

Sec. 2. Section 4, chapter 56, Laws of 1893 and RCW 7.32.040 are each amended to read as follows:

When the foregoing requisites have been complied with the clerk shall docket the case in the name of the plaintiff as plaintiff and of the garnishee as defendant, and shall immediately issue a writ of garnishment, in such form as provided in section 6 of this 1967 amendatory act, directed to the garnishee, commanding him to answer said writ on forms served with the writ and complying with section 10 of this 1967 amendatory act within twenty days after the service of the writ upon him.

RCW 7.32.040 amended.

Issuance of writ—  
Contents.

Sec. 3. Section 26, chapter 56, Laws of 1893 and RCW 7.32.310 are each amended to read as follows:

The provisions of RCW 7.32.010 through 7.32.050, 7.32.100 through 7.32.270, and 7.32.290 through 7.32.310 shall not apply to actions and proceedings before justices of the peace, but garnishments shall be made in such actions and proceedings as otherwise provided by law.

RCW 7.32.310 amended.

Provisions not applicable to justice court proceedings.

Sec. 4. Section 3, chapter 15, Laws of 1933 and RCW 7.32.080 are each amended to read as follows:

The venue of such garnishment proceeding shall be the same as the original action. The writ shall be issued by the court having jurisdiction of such original action and shall require such garnishee defendant to answer such writ in like manner and with the same effect as other writs of garnishment issued by such court after judgment.

RCW 7.32.080 amended.

State and public corporations subject to garnishment.

RCW 7.32.090 amended.

Sec. 5. Section 4, chapter 15, Laws of 1933 and RCW 7.32.090 are each amended to read as follows:

Garnishment, superior court - Service of writ on state or public corporation.

The writ of garnishment shall be served in the same manner and upon the same officer as is required and provided by law for service of summons upon the commencement of a civil action against the state, county, city, town, school district, or other municipal corporation, as the case may be; and forms and envelopes shall be served with the writ as provided in section 8 of this 1967 amendatory act.

RCW 7.32.100 amended.

Sec. 6. Section 6, chapter 56, Laws of 1893 and RCW 7.32.100 are each amended to read as follows:

Form of writ.

Said writ shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF.....

.....,

Plaintiff

vs.

.....,

Defendant

No. ....

.....,

Garnishee

WRIT OF GARNISHMENT

THE STATE OF WASHINGTON TO:.....,

Garnishee

AND TO: .....,

Defendant.

The above-named plaintiff claims that the above-named defendant is indebted to plaintiff in the amount of \$....., besides interest of \$....., and estimated costs of suit of \$..... (which may be more) and has applied for a writ of garnishment against you.

You are hereby commanded to answer this writ by filling in the attached form according to the instructions thereon; and you must mail or deliver the original of such answer to the court, one copy to the

plaintiff or his attorney, and one copy to the defendant within twenty days after the service of the writ upon you.

Unless directed by the court, do not pay any debt, including wages or any other debt, owed the defendant when this writ was served, or deliver, sell or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant, including certificates of corporate shares, in your possession or control when this writ was served; any such payment, delivery, sale or transfer is void as to so much of the debt, property or shares as are necessary to satisfy plaintiff's claim and costs for this writ with interest.

WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR DEFENDANT'S CLAIMED DEBT TO PLAINTIFF.

NOTICE TO DEFENDANT: IF THE GARNISHEE IS A CORPORATION, AND IF YOU ARE THE OWNER OF ANY SHARES IN SUCH CORPORATION, YOU ARE HEREBY ORDERED NOT TO SELL, ASSIGN, TRANSFER, SECRETE, PLEDGE OR ENCUMBER SUCH SHARES UNLESS ALLOWED BY THE COURT. IF YOU FAIL TO COMPLY WITH THIS ORDER YOU MAY BE PUNISHED FOR CONTEMPT.

Witness, the Honorable....., Judge of the Superior Court, and the seal thereof, this ..... day of ....., 19....

[Seal]

.....  
Attorney for Plaintiff .....  
(or Plaintiff, if no attorney) Clerk of Superior Court  
.....

.....  
Address By

RCW 7.32.110  
amended.

Sec. 7. Section 7, chapter 56, Laws of 1893 as amended by section 1, chapter 68, Laws of 1903 and RCW 7.32.110 are each amended to read as follows:

Garnishment,  
superior court  
—Application  
for writ—  
Dating—  
Attestation.

The writ of garnishment shall be dated and attested as in the form prescribed in section 6 of this 1967 amendatory act and the name and office address of the plaintiff's attorney shall be indorsed thereon or in case the plaintiff has no attorney, then the name and address of the plaintiff shall be indorsed thereon and delivered by the clerk who issues it to the plaintiff or his attorney.

RCW 7.32.120  
amended.

Sec. 8. Section 8, chapter 56, Laws of 1893 as last amended by section 1, chapter 267, Laws of 1959, and RCW 7.32.120 are each amended to read as follows:

Service of writ  
generally—  
Forms—  
Return.

Service of the writ of garnishment is invalid unless there is served therewith four answer forms as provided in section 10 of this 1967 amendatory act together with stamped envelopes addressed respectively to the clerk of the court issuing the writ, the attorney for the plaintiff (or to the plaintiff if he has no attorney), and the defendant. The writ of garnishment may be served by the sheriff of the county in which the garnishee lives or it may be served by any citizen of the state of Washington over the age of twenty-one years and not a party to the action in which it is issued in the same manner as a summons in an action is served: *Provided, however,* That where the writ is directed to a bank or savings and loan association maintaining branch offices, as garnishee, the writ must be directed to and service thereof must be made by leaving a copy of the writ with the manager or any other officer or cashier or assistant cashier of such bank or association at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried or at the office or branch which has in its possession or under its control credits or other

personal property belonging to the defendant. In every case where a writ of garnishment is served by an officer, such officer shall make his return thereon showing the time, place and manner of service and that the writ was accompanied by four answer forms and addressed envelopes as required by this section, and noting thereon his fees for making such service and shall sign his name to such return. In case such service is made by any person other than an officer, such person shall attach to the original writ his affidavit showing his qualifications to make such service, and that the writ was accompanied by four answer forms and addressed envelopes as required by this section, and the time, place and manner of making service, and shall endorse thereon the legal fees therefor.

Sec. 9. Section 9, chapter 56, Laws of 1893 as amended by section 2, chapter 44, Laws of 1933 extraordinary session, and RCW 7.32.130 are each amended to read as follows:

RCW 7.32.130  
amended.

From and after the service of such writ of garnishment, it shall not be lawful, except as directed by the court, for the garnishee to pay any debt owing to the defendant at the time of such service, or to deliver, sell or transfer, or recognize any sale or transfer of, any personal property or effects belonging to the defendant, including certificates of corporate shares, in the garnishee's possession or under his control at the time of such service; and any such payment, delivery, sale or transfer shall be void and of no effect as to so much of said debt, personal property or effects, shares, or interest as may be necessary to satisfy the plaintiff's demand: *Provided, however,* That in case the garnishee is a banking association maintaining branch offices service must be made as provided for in RCW 7.32.120, and shall only be effective to attach the accounts, credits, or other personal property of the defendant

Effect of service  
of writ.

in that particular branch upon which service is made and to which the writ is directed.

RCW 7.32.150 amended.

Sec. 10. Section 10, chapter 56, Laws of 1893 and RCW 7.32.150 are each amended to read as follows:

Garnishment, superior court—Answer of garnishee—Contents—Forms.

The answer of the garnishee shall be signed by him, under penalty of perjury, and the original delivered, either personally or by mail, to the clerk of the superior court, one copy to the plaintiff or his attorney, and one copy to the defendant. The answer shall be made on forms, served on the garnishee with the writ, as follows:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF.....

....., Plaintiff

vs.

No. ....

..... Defendant

ANSWER TO WRIT OF GARNISHMENT

..... Garnishee

At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$. . . . . The sum of \$. . . . . is a reasonable amount to be allowed garnishee as attorney's fee for making this answer. On the reverse side of this answer form, or on a schedule attached hereto, give the following information: (1) An explanation of the dollar amount stated, or reasons why there is uncertainty about your answer, if deemed necessary; (2) list all of the personal property or effects of defendant in the garnishee's possession or control when the writ was served; (3) if the garnishee is a corporation in which the defendant is the owner of shares, list the number of shares owned by the defendant and the number of such shares in the gar-

nishee's possession when the writ was served. An attorney may answer for the garnishee.

Under penalties of perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

Signature of garnishee	Date
Signature of person answering for garnishee	Connection with garnishee

Sec. 11. There is added to chapter 56, Laws of 1893 and to chapter 7.32 RCW a new section to read as follows: New section.

The signature of the garnishee, or of a person answering for the garnishee, on the form as provided in section 10 of this 1967 amendatory act shall constitute a mode authorized by this section of attesting the truth of the statement preceding the signature. Attestation of answer.

Sec. 12. Section 11, chapter 56, Laws of 1893 and RCW 7.32.160 are each amended to read as follows: RCW 7.32.160 amended.

Should it appear from the answer of the garnishee that he was not indebted to the defendant when the writ of garnishment was served on him, and that he had not in his possession or under his control any personal property or effects of the defendant, including certificates of corporate shares when the writ was served, and should the answer of the garnishee not be controverted as hereinafter provided, and within the time hereinafter provided, the court shall enter judgment discharging the garnishee. Discharge of garnishee.

Sec. 13. Section 13, chapter 56, Laws of 1893 and RCW 7.32.180 are each amended to read as follows: RCW 7.32.180 amended.

Should it appear from the answer of the garnishee or should it be otherwise made to appear, as

Garnishment,  
superior court  
—Judgment  
against  
garnishee.

hereinafter provided, that the garnishee was indebted to the defendant in any amount when the writ of garnishment was served, the court shall render judgment for the plaintiff against such garnishee for the amount so admitted or found to be due to the defendant from the garnishee, unless such amount shall exceed the amount of plaintiff's claim or demand against the defendant with interest and costs, in which case it shall be for the amount of such claim or demand, interest and costs: *Provided, however,* If it shall appear from the answer of the garnishee and the same is not controverted, or if it shall appear from the trial hereinafter provided for, that the garnishee is indebted to the principal defendant in any sum, but that such indebtedness is not matured and is not due and payable, the court shall make an order requiring the garnishee to pay such sum into court when the same becomes due, the date when such payment is to be made to be specified in said order, and in default thereof that judgment shall be entered against the garnishee for the amount of such indebtedness so admitted or found due. In case the garnishee shall pay said sum at the time specified in said order, said payment shall operate as a discharge, otherwise judgment shall be entered against him for the amount of such indebtedness, which judgment shall have the same force and effect, and be enforced in like manner as other judgments provided for in RCW 7.32.010 through 7.32.050 and 7.32.100 through 7.32.310: *Provided further,* That if judgment shall be rendered in favor of the principal defendant, or if any judgment rendered against him be satisfied prior to the date of payment specified in said order, the garnishee shall not be required to make the payment hereinbefore provided for, nor shall any judgment in such case be entered against him.

Sec. 14. Section 15, chapter 56, Laws of 1893 and RCW 7.32.200 are each amended to read as follows:

Should it appear from the garnishee's answer or otherwise that the garnishee had in his possession or under his control when the writ was served any personal property or effects of the defendant liable to execution, the court shall render a decree requiring the garnishee to deliver up to the sheriff on demand such personal property or effects or so much of them as may be necessary to satisfy the plaintiff's claim. In cases where a judgment has been rendered in favor of the plaintiff against the defendant, such personal property or effects may be sold in like manner as any other property is sold upon an execution issued on said judgment. In cases where judgment has not been rendered in the principal action, the sheriff shall retain said personal property or effects in his possession until the rendition of judgment therein, and in case judgment is rendered in said principal action in favor of the plaintiff, said goods or effects, or sufficient of them to satisfy such judgment, may be sold in like manner as other property is sold on execution, by virtue of an execution issuing on said judgment. In case judgment shall be rendered in said action against the plaintiff and in favor of the defendant, such effects and personal property shall be by the sheriff returned to the defendant: *Provided, however,* That in cases where such effects or personal property are of a perishable nature, or the interests of the parties will be subserved by making a sale thereof before judgment, the court may order a sale thereof by the sheriff in like manner as sales upon execution are made, and the proceeds of such sale shall be paid to the clerk of the superior court, and like disposition shall be made of such proceeds at the termination of the action as would have been made of such per-

RCW 7.32.200 amended.

Decree to deliver up effects—Disposition.

sonal property or effects under the provisions of this section, in case such sale had not been made.

RCW 7.32.220 amended.

Garnishment, superior court—Shares of corporate garnishee—Sale—Discovery procedure—Disposition of shares.

Sec. 15. Section 17, chapter 56, Laws of 1893 and RCW 7.32.220 are each amended to read as follows:

Where the garnishee is a corporation, and it appears by the answer or otherwise that the defendant was, when the writ of garnishment was served, in control or possession of certificates of corporate shares owned by the defendant in such corporation the court shall render a decree ordering the sale under execution in favor of the plaintiff, against the defendant, of such shares or interest of the defendant corporation, or so much thereof as may be necessary to satisfy such execution.

The plaintiff, in addition to any other remedies or discovery procedures available to him, may serve on the defendant written interrogatories to be answered in writing and under oath within ten days of service. The interrogatories allowed by this section may relate only to the interest of the defendant in the garnishee corporation at the time a copy of the writ of garnishment was served on him including the location of certificates or other evidence of ownership of corporate shares in the garnishee corporation, and whether or not such shares are pledged or encumbered. When it appears that the defendant was in possession or control of certificates or other evidence of ownership of shares of the garnishee the court shall render a decree requiring the defendant to deliver up to the sheriff on demand such evidence of ownership. In cases where a judgment has been rendered in the principal action in favor of the plaintiff such certificates or other evidence of ownership of corporate shares of the garnishee may be sold or transferred in like manner as shares in possession or control of the garnishee are sold or transferred upon a sale under execution. In cases where judgment has not been rendered in the principal

action, the sheriff shall retain such certificates or other evidence of ownership in the garnishee in his possession until judgment is rendered therein, and in case judgment is entered in such principal action in favor of the plaintiff, said shares may be sold or transferred in like manner as shares in possession or control of the garnishee are sold or transferred upon a sale under execution.

Sec. 16. Section 19, chapter 56, Laws of 1893 and RCW 7.32.240 are each amended to read as follows:

Such sale shall be valid and effectual to pass to the purchaser all the right, title and interest which the defendant had in such shares of stock, or in such corporation, and the proper officers of such corporation shall enter such sale and transfer on the books of the corporation in the same manner as if the sale had been made by the defendant himself.

RCW 7.32.240  
amended.  
  
Effect of sale—  
Transfer on  
corporate  
books.

Sec. 17. Section 25, chapter 56, Laws of 1893 and RCW 7.32.300 are each amended to read as follows:

It shall be a sufficient answer to any claim of the defendant against the garnishee founded on any indebtedness of such garnishee or on the possession by him of any personal property or effects, or where the garnishee is a corporation in which the defendant was the owner of shares of stock or other interest therein, for the garnishee to show that such indebtedness was paid or such effects delivered, or such shares of stock or other interest in such corporation were sold under the judgment of the court in accordance with the provisions of RCW 7.32.010 through 7.32.050 and 7.32.100 through 7.32.310.

RCW 7.32.300  
amended.

Garnishee pro-  
tected against  
claim of  
defendant.

Sec. 18. If a writ of garnishment has been served, and if the garnishee is a corporation, and if the defendant has been served with a copy of the writ of garnishment, in the same manner in which a summons in an action is served, and after such serv-

Garnishment—  
Violations of  
defendant as  
to shares of  
corporate  
garnishee—  
Contempt.

ice the defendant sells, assigns, transfers, secretes, pledges or encumbers any shares he might own in the garnishee corporation, unless allowed by the court, or if the defendant fails or refuses to deliver to the sheriff such shares after having been ordered to do so by the court, or if he fails or refuses to answer interrogatories propounded to him as provided in this chapter, he may be adjudged in contempt and punished accordingly.

Repeal.

Sec. 19. Section 5, chapter 56, Laws of 1893 and RCW 7.32.050 are each repealed.

Severability.

Sec. 20. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 9, 1967.

Passed the House March 9, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 143.

[Substitute Senate Bill No. 18.]

## GARNISHMENT IN JUSTICE COURT.

AN ACT relating to garnishment in justice courts; amending section 1, chapter 160, Laws of 1909, as amended by section 1, chapter 126, Laws of 1911, and RCW 12.32.010; amending section 2, chapter 160, Laws of 1909, as last amended by section 1, chapter 109, Laws of 1913, and RCW 12.32.020; amending section 3, chapter 160, Laws of 1909, as amended by section 3, chapter 126, Laws of 1911, and RCW 12.32.030; amending section 4, chapter 160, Laws of 1909, as amended by section 4, chapter 126, Laws of 1911 and RCW 12.32.040; amending section 5, chapter 160, Laws of 1909 and RCW 12.32.050; amending section 6, chapter 160, Laws of 1909, as last amended by section 1, chapter 218, Laws of 1961, and RCW 12.32.060; amending section 7, chapter 160, Laws of 1909 and RCW 12.32.070; amending section 8, chapter 160, Laws of 1909 and RCW 12.32.080; amending section 10, chapter 160, Laws of 1909 and RCW 12.32.100; amending section 11, chapter 160, Laws of 1909 and RCW 12.32.110; amending section 17, chapter 160, Laws of 1909 and RCW 12.32.170; amending section 22, chapter 160, Laws of 1909 and RCW 12.32.220; adding new sections to chapter 160, Laws of 1909 and to chapter 12.32 RCW; and prescribing penalties.

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

Section 1. Section 1, chapter 160, Laws of 1909 as amended by section 1, chapter 126, Laws of 1911, and RCW 12.32.010 are each amended to read as follows:

RCW 12.32.010  
amended.

The justices of the peace in this state may issue writs of garnishment, returnable to their respective courts, where the plaintiff sues for a debt which is just, due and unpaid; or where the plaintiff has a judgment wholly or partially unsatisfied in the court from which he seeks to have the writ of garnishment issued.

Garnishment,  
justice court.  
Justices may  
issue writs of  
garnishment.

Sec. 2. Section 2, chapter 160, Laws of 1909, as last amended by section 1, chapter 109, Laws of 1913, and RCW 12.32.020 are each amended to read as follows:

RCW 12.32.020  
amended.

Garnishment,  
justice court—  
Application for  
writ—Affidavit  
—Contents.

Before the issuance of the writ of garnishment, the plaintiff, or someone in his behalf, shall make application therefor by affidavit, stating the facts authorizing the issuance of the writ and that he has reason to believe and does believe that the garnishee is indebted to the defendant, or has in his possession or under his control personal property or effects belonging to the defendant, or is a corporation and that the defendant is the owner of shares thereof, and that the garnishment applied for is not sued out to injure either the defendant or the garnishee.

RCW 12.32.030  
amended.

Sec. 3. Section 3, chapter 160, Laws of 1909, as amended by section 3, chapter 126, Laws of 1911, and RCW 12.32.030 are each amended to read as follows:

Issuance of  
writ—  
Contents.

When the foregoing requisites have been complied with, the justice of the peace shall, without additional fee, docket the case in the name of the plaintiff, as plaintiff, and of the garnishee as defendant, and shall immediately issue a writ of garnishment, in such form as provided in section 4 of this 1967 amendatory act, directed to the garnishee. The writ shall state a time for answer, which shall not be less than six nor more than twenty days from the date of the issuance of the writ. The writ of garnishment shall be served at least five days before the time for answer mentioned therein, and such service shall be deemed invalid unless there is served therewith four answer forms as provided in section 9 of this 1967 amendatory act together with stamped envelopes addressed respectively to the justice of peace issuing the writ, the attorney for the plaintiff (or the plaintiff if he has no attorney), and the defendant.

RCW 12.32.040  
amended.

Sec. 4. Section 4, chapter 160, Laws of 1909, as amended by section 4, chapter 126, Laws of 1911,

and RCW 12.32.040 are each amended to read as follows:

Said writ shall be substantially in the following form:

Garnishment,  
justice court—  
Form of writ.

(Heading Optional)

IN THE JUSTICE COURT, DISTRICT NO. ....  
..... COUNTY, WASHINGTON  
IN THE JUSTICE COURT, ..... PRECINCT,  
..... COUNTY, WASHINGTON  
BEFORE..... JUSTICE OF THE PEACE

.....,

Plaintiff

vs.

No. ....

.....

Defendant

WRIT OF  
GARNISHMENT

.....

Garnishee

THE STATE OF WASHINGTON TO: .....

Garnishee

AND TO: .....

Defendant.

The above-named plaintiff claims that the above-named defendant is indebted to plaintiff in the amount of \$....., besides interest of \$....., and estimated costs of suit of \$..... (which may be more) and has applied for a writ of garnishment against you.

You are hereby commanded to answer this writ by filling in the attached form according to the instructions thereon; and you must mail or deliver the original of such answer to the court, one copy to the plaintiff or his attorney, and one copy to the defendant on or before the .... day of ....., 19....

Unless directed by the court, do not pay any debt, including wages or any other debt, owed the defendant when this writ was served, or deliver, sell or transfer, or recognize any sale or transfer of, any

Garnishment,  
justice court—  
Form of writ.

personal property or effects of the defendant, including certificates of corporate shares, in your possession or control when this writ was served; any such payment, delivery, sale or transfer is void as to so much of the debt, property or shares as are necessary to satisfy plaintiff's claim and costs for this writ with interest.

WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR DEFENDANT'S CLAIMED DEBT TO PLAINTIFF.

NOTICE TO DEFENDANT: IF THE GARNISHEE IS A CORPORATION, AND IF YOU ARE THE OWNER OF ANY SHARES IN SUCH CORPORATION, YOU ARE HEREBY ORDERED NOT TO SELL, ASSIGN, TRANSFER, SECRETE, PLEDGE OR ENCUMBER SUCH SHARES UNLESS ALLOWED BY THE COURT. IF YOU FAIL TO COMPLY WITH THIS ORDER YOU MAY BE PUNISHED FOR CONTEMPT.

Dated this ..... day of ....., 19...

.....	.....
Attorney for Plaintiff (or Plaintiff, if no attorney)	Justice of the Peace

.....	.....
Address	Address

RCW 12.32.050 amended.

Sec. 5. Section 5, chapter 160, Laws of 1909 and RCW 12.32.050 are each amended to read as follows:

Delivery of the writ.

The writ of garnishment shall be dated and signed by the justice of peace, and the name and office address of the attorney for the plaintiff shall be indorsed thereon, or in case the plaintiff has no attorney, then the name and address of the plaintiff shall be indorsed thereon. The writ, when so issued and indorsed, shall be delivered, together with four answer forms as provided in section 9 of this amen-

datory act, by the justice of the peace who issues it to the party applying therefor, or to his attorney.

Sec. 6. Section 6, chapter 160, Laws of 1909 as last amended by section 1, chapter 218, Laws of 1961, and RCW 12.32.060 are each amended to read as follows:

RCW 12.32.060 amended.

Service of the writ of garnishment is invalid unless there is served therewith four answer forms as provided in section 9 of this 1967 amendatory act together with stamped envelopes addressed respectively to the justice of the peace issuing the writ, the attorney for the plaintiff (or to the plaintiff if he has no attorney), and the defendant. The writ of garnishment may be served by the sheriff of the county in which the garnishee lives, or it may be served by any citizen of the state of Washington over the age of twenty-one years and not a party to the action in which it is issued, in the same manner as a summons in an action is served: *Provided, however,* That where the writ is directed to a bank or banking association maintaining branch offices, as garnishee, the writ must be directed to and service thereof must be made by leaving a copy of the writ with the manager, or any other officer or cashier or assistant cashier of such bank or banking association at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried, or at the office or branch which has in its possession or under its control credits or other personal property belonging to the defendant. And in case such writ is served by an officer, such officer shall make his return thereon, showing the time, place and manner of service and that the writ was accompanied by four answer forms and addressed envelopes as required by this section and noting thereon his fees for making such service, and shall sign his name to such return. In case such service is made by any person other than an officer, such per-

Service of the writ—Answer forms attached.

Service of the writ—Answer forms attached.

son shall attach to the original writ his affidavit showing his qualifications to make such service, and that the writ was accompanied by four answer forms and three addressed envelopes, and the time, place and manner of making service and shall endorse thereon the legal fees therefor. The fee allowed for serving the garnishment writ, the four answer forms and the three addressed envelopes shall be the same as for the service of a single instrument.

RCW 12.32.070 amended.

Sec. 7. Section 7, chapter 160, Laws of 1909 and RCW 12.32.070 are each amended to read as follows:

Requirement when writ is served on bank.

In cases where the writ of garnishment issued under the provisions of this chapter is directed to a corporation carrying on a general banking business in the state of Washington, the plaintiff, in addition to serving the writ of garnishment and accompanying answer forms and addressed envelopes upon said garnishee, shall at the same time and as a part of said service deliver to said garnishee a statement in writing signed by the plaintiff or his attorney, stating the place of residence of the defendant and his business, occupation, trade or profession, and unless such statement is so delivered with said writ of garnishment, the service of said writ shall not be deemed complete and the garnishee shall not be held liable thereon.

RCW 12.32.080 amended.

Sec. 8. Section 8, chapter 160, Laws of 1909 and RCW 12.32.080 are each amended to read as follows:

Effect of service of the writ.

From and after the service of such writ of garnishment, it shall not be lawful, except as directed by the court, for the garnishee to pay any debt owing to the defendant at the time of such service, or to deliver, sell or transfer, or recognize any sale or transfer of, any personal property or effects belonging to the defendant, including certificates of corporate shares, in the garnishee's possession or

under his control at the time of such service; and any such payment, delivery, sale or transfer shall be void and of no effect as to so much of said debt, personal property or effects or shares as may be necessary to satisfy the plaintiff's demand.

Sec. 9. Section 10, chapter 160, Laws of 1909 and RCW 12.32.100 are each amended to read as follows: amended.

The answer of the garnishee shall be signed by him, under penalty of perjury, and the original delivered, either personally or by mail, to the justice of the peace who issued said writ, one copy to the plaintiff or his attorney, and one copy to the defendant. The answer shall be made on forms, served on the garnishee with the writ, as follows: Garnishment, justice court— Answer of garnishee— Contents— Forms.

(Heading Optional)

IN THE JUSTICE COURT, DISTRICT NO. . . . .  
. . . . . COUNTY, WASHINGTON  
IN THE JUSTICE COURT, . . . . . PRECINCT,  
. . . . . COUNTY, WASHINGTON  
BEFORE . . . . . JUSTICE OF THE PEACE  
. . . . .  
Plaintiff  
vs. NO. . . . .  
. . . . . ANSWER TO  
Defendant WRIT OF  
. . . . . GARNISHMENT  
Garnishee

At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$. . . . . On the reverse side of this answer form, or on a schedule attached hereto, give the following information: (1) An explanation of the dollar amount stated, or reasons why there is uncertainty about your answer, if deemed necessary; (2) list all of the personal property or effects of defendant in the garnishee's possession or control when the writ was



the sale under execution in favor of the plaintiff against the defendant of such shares of the defendant, or so much thereof as may be necessary to satisfy such execution.

Shares of  
corporate gar-  
nishee—Sale—  
Discovery  
procedure—  
Disposition of  
shares.

The plaintiff, in addition to any other remedies or discovery procedures available to him, may serve on the defendant written interrogatories to be answered in writing and under oath within ten days of service. The interrogatories allowed by this section may relate only to the interest of the defendant in the garnishee corporation at the time a copy of the writ of garnishment was served on him including the location of certificates or other evidence of ownership of corporate shares in the garnishee corporation, and whether or not such shares are pledged or encumbered. When it appears that the defendant was in possession or control of any certificates or other evidence of ownership of corporate shares of the garnishee the court shall render a decree requiring the defendant to deliver up to the justice on demand such evidence of ownership. In cases where a judgment has been rendered in the principal action in favor of the plaintiff such certificates or other evidence of ownership of corporate shares of the garnishee may be sold or transferred in like manner as shares in possession or control of the garnishee are sold or transferred upon a sale under execution. In cases where judgment has not been rendered in the principal action, the justice shall retain such certificates or other evidence of ownership in the garnishee in his possession until the rendition of the judgment therein, and in case judgment is entered in such principal action in favor of the plaintiff, said shares may be sold or transferred in like manner as shares in possession or control of the garnishee are sold or transferred upon a sale under execution. In case judgment shall be rendered in such action against the plaintiff and in

favor of the defendant, said shares shall be by the justice returned to the defendant.

RCW 12.32.220 amended.

Sec. 12. Section 22, chapter 160, Laws of 1909 and RCW 12.32.220 are each amended to read as follows:

Garnishment, justice court—Garnishee protected against claims of defendant.

It shall be a sufficient answer against any claim of the defendant against the garnishee founded on any indebtedness of such garnishee or upon the possession by him of any personal property or effects, including certificates of corporate shares, for the garnishee to show that such indebtedness was paid or such effects delivered, or such shares of stock were sold under judgment of the court in accordance with the provisions of this chapter.

New section.

Sec. 13. There is added to chapter 160, Laws of 1909 and to chapter 12.32 RCW a new section to read as follows:

Violations of defendant as to shares of corporate garnishee—Contempt.

If a writ of garnishment has been served, and if the garnishee is a corporation, and if the defendant has been served with a copy of the Writ of Garnishment, in the same manner in which a summons in an action is served, and after such service the defendant sells, assigns, transfers, secretes, pledges or encumbers any shares he might own in the garnishee corporation, unless allowed by the court, or if the defendant fails or refuses to deliver up to the justice such shares after having been ordered to do so by the court, or if he fails or refuses to answer interrogatories propounded to him as provided in this chapter, he may be adjudged in contempt and punished accordingly.

New section.

Sec. 14. There is added to chapter 160, Laws of 1909 and to chapter 12.32 RCW a new section to read as follows:

Answer of garnishee.

The signature of the garnishee, or of the person answering for the garnishee, on the form as provided in section 9 of this 1967 amendatory act shall

constitute a mode authorized by this section of at-testing the truth of the statement preceding the sig-nature.

Sec. 15. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1967 amenda-tory act, or the application of the provision to other persons or circumstances is not affected. Severability.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 144.

[Senate Bill No. 11.]

### MOTOR VEHICLES—STOP AND DISPLAY DRIVERS LICENSE—DEFECTIVE EQUIPMENT.

AN ACT relating to motor vehicles; empowering officers of the Washington state patrol to require motor vehicle drivers to stop and display their drivers' licenses and/or submit their motor vehicles to inspections and tests; adding a new section to chapter 12, Laws of 1961 and to chapter 46.64 RCW; and declaring an emergency.

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

Section 1. The purpose of this 1967 act is to pro-  
vide for the exercise of the police power of this state  
to protect the health and safety of its citizens by  
assuring that only qualified drivers and vehicles  
which meet minimum equipment standards shall  
operate upon the highways of this state.

Motor vehicles  
—Spot checks  
for drivers'  
licenses and  
vehicle inspec-  
tion. Purpose.

Sec. 2. There is added to chapter 12, Laws of  
1961 and to chapter 46.64 RCW a new section to  
read as follows: New section.

To carry out the purpose of this 1967 act, officers  
of the Washington state patrol are hereby empow-

Motor vehicles  
—Spot checks  
for license and  
vehicle inspec-  
tion—Author-  
ized—Limita-  
tion—Powers  
are additional.

ered during daylight hours and while using plainly marked state patrol vehicles with red light to require the driver of any motor vehicle being operated on any highway of this state to stop and display his or her driver's license and/or to submit the motor vehicle being driven by such person to an inspection and test to ascertain whether such vehicle complies with the minimum equipment requirements prescribed by chapter 46.37 RCW, as now or hereafter amended. No criminal citation shall be issued for a period of 10 days after giving a warning ticket pointing out the defect.

The powers conferred by this 1967 act are in addition to all other powers conferred by law upon such officers, including but not limited to powers conferred upon them as police officers pursuant to RCW 46.20.430 and powers conferred by chapter 46.32 RCW.

Severability.

Sec. 3. If any provision, clause or word of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision of application, and to this end the provisions of this act are declared to be severable.

Emergency.

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, 1967.

Passed the House March 9, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 145.

[Senate Bill No. 178.]

MUTUAL SAVINGS BANKS.

AN ACT relating to mutual savings banks; amending section 32.12.010, chapter 13, Laws of 1955 as last amended by section 1, chapter 80, Laws of 1961 and RCW 32.12.010; amending section 32.12.020, chapter 13, Laws of 1955 as last amended by section 3, chapter 176, Laws of 1963 and RCW 32.12.020; amending section 10, chapter 80, Laws of 1957 and RCW 32.20.045; amending section 32.20.240, chapter 13, Laws of 1955 and RCW 32.20.240; amending section 32.20.250, chapter 13, Laws of 1955 as last amended by section 7, chapter 176, Laws of 1963 and RCW 32.20.250; amending section 32.20.270, chapter 13, Laws of 1955 as last amended by section 9, chapter 176, Laws of 1963 and RCW 32.20.270; amending section 32.20.290, chapter 13, Laws of 1955 and RCW 32.20.290; amending section 6, chapter 41, Laws of 1959 and RCW 32.20.370; amending section 18, chapter 176, Laws of 1963 and RCW 32.20.400; adding a new section to chapter 13, Laws of 1955 and to chapter 32.12 RCW and adding a new section to chapter 13, Laws of 1955 and to chapter 32.20 RCW.

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

Section 1. Section 32.12.010, chapter 13, Laws of 1955 as last amended by section 1, chapter 80, Laws of 1961, and RCW 32.12.010 are each amended to read as follows:

RCW 32.12.010 amended.

Deposits which a savings bank may establish include but are not limited to the following:

Mutual savings banks. Limitation of deposits.

(1) Deposits in the name of the depositor and another or others in joint form with right of survivorship.

(2) Deposits in the name of the depositor as trustee for another under a voluntary and revocable trust.

(3) Deposits in the name of the depositor and another in joint form with right of survivorship as trustee for another under a voluntary and revocable trust.

Mutual savings banks. Limitation of deposits.

(4) Deposits in the name of, or on behalf of, a partnership or other form of multiple ownership enterprise.

(5) Deposits in the name of a corporation, society, or unincorporated association.

(6) Deposits maintained by a person, society, or corporation as administrator, executor, guardian, or trustee under a will or trust agreement.

(7) Deposits designated as community property of a marital community, whether in the name of either or both of the members of the community.

(8) Deposits designated as separate property of the depositor.

Every such bank may limit the aggregate amount which an individual or any corporation or society may have to his or its credit to such sum as such bank may deem expedient to receive; and may in its discretion refuse to receive a deposit, or may at any time return all or any part of any deposits or require the withdrawal of any dividends or interest. Any account in excess of one hundred thousand dollars may only be accepted or held in accordance with such regulations as the supervisor may establish.

RCW 32.12.020 amended.

Sec. 2. Section 32.12.020, chapter 13, Laws of 1955 as last amended by section 3, chapter 176, Laws of 1963 and RCW 32.12.020 are each amended to read as follows:

Mutual savings banks—Repayment of deposits and dividends.

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. 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 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 other exceptional cases where the passbooks 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 of the depositor, and any

Mutual savings banks—Repayment of deposits and dividends.

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 may be omitted for any account if a ledger record thereof is maintained in lieu of a passbook on which shall be entered deposits, withdrawals, and interest credited: *Provided*, That in any event a passbook shall be issued upon the request of any depositor.

(6) If any person dies leaving in any such bank an account on which the balance due him does not exceed one thousand dollars and no executor or administrator of his estate has been appointed, such bank may in its discretion pay the balance of his account to his widow (or if the decedent was a married woman, then to her husband), next of kin, funeral director, or other creditor who may appear to be entitled thereto. As a condition of such payment such bank may require proof by affidavit as to the parties in interest, the filing of proper waivers, the execution of a bond of indemnity with surety or sureties by the person to whom the payment is to be made, and a proper receipt and acquittance for such payment. For any such payment pursuant to this section such bank shall not be liable to the decedent's executor or administrator thereafter appointed, unless the payment was made within six months after the decedent's death, and an action to recover the amount is commenced within six months after the date of payment.

New section designated RCW 32.12.025.

Sec. 3. There is added to chapter 13, Laws of 1955 and to chapter 32.12 RCW a new section, to be known as section 32.12.025, to read as follows:

Subject to the provisions of RCW 32.12.020 (1), a savings bank may, on instructions from a depositor, effect withdrawals from a savings account by the savings bank's drafts payable to parties and on terms as so instructed; to the extent of the subjection of accounts to such withdrawal instruction, such accounts may be specifically classified under RCW 32.12.090 (2) and ineligible to receive interest or eligible only for limited interest.

Repayment of deposits on bank drafts.

Sec. 4. Section 10, chapter 80, Laws of 1957 and RCW 32.20.045 are each amended to read as follows:

RCW 32.20.045 amended.

A mutual savings bank may invest its funds in capital stock, notes, bonds, debentures, or other such obligations of any corporation which is or hereafter may be created by the United States as a governmental agency or instrumentality: *Provided*, That the total amount a mutual savings bank may invest pursuant to this section shall not exceed fifteen percent of the funds of such savings bank: *Provided further*, That the amounts heretofore or hereafter invested by a mutual savings bank pursuant to any law of this state other than this section, even if such investment might also be authorized under this section, shall not be limited by the provisions of this section and amounts so invested pursuant to any such other law of this state shall not be included in computing the maximum amount which may be invested pursuant to this section.

Obligations of corporations created as federal agency or instrumentality.

Sec. 5. Section 32.20.240, chapter 13, Laws of 1955 and RCW 32.20.240 are each amended to read as follows:

RCW 32.20.240 amended.

A mutual savings bank may invest its funds in promissory notes made payable to the order of the savings bank, secured by the pledge or assignment of the account of the mutual savings bank as collateral security for the payment thereof. No such loan shall exceed the balance due the holder of such account.

Investments—Notes secured by pledge of passbook.

RCW 32.20.250  
amended.

Sec. 6. Section 32.20.250, chapter 13, Laws of 1955 as last amended by section 7, chapter 176, Laws of 1963, and RCW 32.20.250 are each amended to read as follows:

Mutual savings  
banks—Invest-  
ments—Real  
estate mort-  
gages.

A mutual savings bank may invest its funds in loans secured by first mortgages on real estate subject to the following restrictions:

In all cases of loans upon real property, a note secured by a mortgage on the real estate upon which the loan is made shall be taken by the savings bank from the borrower;

The savings bank shall also be furnished by the borrower, either

(1) A complete abstract of title of the mortgaged property, which abstract shall be signed by the person or corporation furnishing the abstract of title, and which abstract shall be examined by a competent attorney and shall be accompanied by his opinion approving the title and showing that the mortgage is a first lien; or

(2) A policy of title insurance; or

(3) A duplicate certificate of ownership issued by a registrar of titles.

The real estate subject to such first mortgage must be improved to such extent that the net annual income thereof or reasonable annual rental value thereof in the condition existing at the time of making the loan is sufficient to pay the annual interest accruing on such loan in addition to taxes and insurance and all accruing charges and expenses.

No loan on real estate shall be for an amount greater than eighty percent of the value of such real estate, including improvements, except that in the event such savings bank obtains, as additional collateral, an assignment of a policy or policies of life insurance issued by a company authorized to do business in this state, such loan may exceed the limits herein specified, but such excess shall not be

more than eighty percent of the cash surrender value of such assigned life insurance.

No mortgage loan shall be made in excess of fifty percent of the value of the security unless its terms require the payment of principal and interest in annual, semiannual, quarterly or monthly payments, at a rate which if continued would repay the loan in full in not more than thirty years, beginning within one year and continuing until the loan is reduced to fifty percent or less of the value of the security.

A loan may be made on real estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan, if it is arranged that such proceeds will be used for that purpose and that when so used the property will qualify under this section.

No mortgage loan, or renewal or extension thereof for a period of more than one year, shall be made except upon written application showing the date, name of the applicant, the amount of loan requested, and the security offered, nor except upon the written report of at least two members of the board of investment of the bank certifying on such application according to their best judgment the value of the property to be mortgaged; and the application and written report thereon shall be filed and preserved with the savings bank records.

Every mortgage and assignment of a mortgage taken or held by a savings bank shall be taken and held in its own name, and shall immediately be recorded in the office of the county auditor of the county in which the mortgaged property is located.

A mortgage on real estate shall be deemed a first mortgage and lien within the meaning of this section even though

(1) There is outstanding upon the real estate a lease to which the mortgage is subject, and two members of the board of investment of the bank

Mutual sav-  
ings banks—  
Investments  
—Real estate  
mortgages.

deem the lease advantageous to the owner of the mortgaged property, and the mortgagee in case of foreclosure of the mortgage can compel the application upon the mortgage debt of substantially all of the rents thereafter to accrue; and/or

(2) There are outstanding nondelinquent taxes or special assessments or both, and the sum of the assessments and the amount of the loan does not exceed the limits herein specified.

RCW 32.20.270  
amended.

Sec. 7. Section 32.20.270, chapter 13, Laws of 1955 as last amended by section 9, chapter 176, Laws of 1963, and RCW 32.20.270 are each amended to read as follows:

First mort-  
gages upon  
leaseholds.

A mutual savings bank may invest its funds in loans secured by first mortgages upon leasehold estates in improved real property, subject to the following restrictions:

In all cases of loans upon leasehold estates, a note secured by a mortgage upon the leasehold interest upon which the loan is made shall be taken by the savings bank from the borrower.

The savings bank shall also be furnished by the borrower, either

(1) A complete abstract of title of the mortgaged property, which abstract shall be signed by the person or corporation furnishing the abstract of title, and which abstract shall be examined by a competent attorney and shall be accompanied by his opinion approving the title and showing that the mortgage is a first lien upon the leasehold estate; or

(2) A policy of title insurance; or

(3) A duplicate certificate of ownership issued by a registrar of titles.

The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings in such reasonable amount as shall be stipulated in the mortgage, the policy to be payable to the savings bank in case of loss, or the proceeds of

such policy to be impounded or payable to a trustee for use in repairing or rebuilding or replacing improvements on the leasehold.

No mortgage loan upon a leasehold, or any renewal or extension thereof for a period of more than six months, shall be made except on a written application showing the date, the name of the applicant, the amount of the loan requested, and the security offered, nor except upon the written report of at least two members of the board of investment of the bank certifying upon such application according to their best judgment the value of the leasehold interest to be mortgaged and recommending the loan; and the application and written report thereon shall be filed with the bank records.

Every leasehold mortgage and every assignment of a leasehold mortgage taken or held by a savings bank shall be taken and held in its own name and shall immediately be recorded in the office of the county auditor of the county in which the property under lease is situated.

No loan shall be made upon a leasehold interest in real estate for a period in excess of twenty-five years, or in any case where the term of the loan will exceed eighty percent of the unexpired term of the lease.

No loan shall be made upon a leasehold interest in real estate unless its terms require substantially equal semiannual, quarterly or monthly payments which, if continued at the same rate, would extinguish the debt at least five years prior to the expiration of the lease.

No loan on a leasehold estate shall be for an amount greater than seventy-five percent of the value of such leasehold estate. A loan may be made on a leasehold estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan, if it is arranged that such pro-

ceeds will be used for that purpose and that when so used the property will qualify under this section.

RCW 32.20.290 amended.

Sec. 8. Section 32.20.290, chapter 13, Laws of 1955 and RCW 32.20.290 are each amended to read as follows:

Mutual savings banks—investments—Depository of funds.

No savings bank shall deposit any of its funds with any bank, trust company, or other moneyed corporation or concern which has not been approved by the supervisor as a depository for the savings bank's funds and designated a depository by vote of a majority of the trustees of the savings bank, exclusive of any trustee who is an officer, director, or trustee of or who owns more than one-half of one percent of the outstanding stock in the depository so designated.

RCW 32.20.370 amended.

Sec. 9. Section 6, chapter 41, Laws of 1949 and RCW 32.20.370 are each amended to read as follows:

Investments—Corporate bonds and other interest bearing obligations.

A mutual savings bank may invest its funds in bonds or other interest bearing or discounted obligations of corporations not otherwise eligible for investment by the savings bank which are prudent investments for such bank in the opinion of its board of trustees or of a committee thereof whose action is ratified by such board at its regular meeting next following such investment. The total amount a mutual savings bank may invest pursuant to this section shall not exceed fifty percent of the total of its guaranty fund, undivided profits, and unallocated reserves, or five percent of its deposits, whichever is less.

RCW 32.20.400 amended.

Sec. 10. Section 18, chapter 176, Laws of 1963 and RCW 32.20.400 are each amended to read as follows:

Investments—Home loans.

A mutual savings bank may invest not to exceed five percent of its funds in loans for home or property repairs, alterations, appliances, improvements, or additions, home furnishings, for installation of underground utilities, for educational purposes, or

for mobile homes used or to be used for permanent or semi-permanent housing: *Provided, That*

Investments—  
Loans for  
home or prop-  
erty repairs,  
alterations,  
appliances,  
additions,  
home furnish-  
ings.

(1) The principal amount of any loan shall not exceed five thousand dollars; except in the case of loans for mobile homes which shall not exceed fifteen thousand dollars;

(2) The application therefor shall state that the proceeds are to be used for one of the above purposes;

(3) The term of the loan shall not exceed sixty-two months, except in the case of loans for underground utilities, mobile homes or educational loans which may require repayment at such time and upon such terms as the bank may determine; and

(4) Nothing in this section shall permit a mutual savings bank to make secured or unsecured loans on or for inventory as that term is defined in section 9-109(4), chapter 157, Laws of 1965, RCW 62A.9-109 (4).

Sec. 11. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section to read as follows:

New section.

A mutual savings bank may invest not to exceed five percent of its funds in loans on the security, and for the purpose of financing the acquisition and development, of land for primarily commercial, industrial, or residential usage. Within the five percent limit, the bank may loan up to seventy-five percent of the borrower's investment in the land, but no loan shall be made under this section in an amount equal to more than seventy percent of the value of the real estate security therefor as of the completion of the development thereof into building lots or sites ready for construction thereon. Each such loan shall be repayable within a period of not more than ten years and the interest thereon shall be payable at least semiannually. Upon the sale or release from

Mutual savings  
banks—Invest-  
ment of funds  
for acquisition  
and develop-  
ment of lands.

the lien of any portion of the security property, the principal amount of any such loan shall be reduced in an amount at least equal to that portion of the total loan secured by the property sold or released. No disbursement of any of the proceeds of any loan made under this section shall be made at any time if such disbursement, together with the aggregate amount of such proceeds previously disbursed by the bank and not repaid to it, would exceed an amount equal to the sum of (1) seventy percent of the value at such time of that portion of the security property which is building lots or sites the development of which is in progress or completed and, (2) seventy percent of the value at such time of the remaining security property.

Passed the Senate February 17, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 146.

[Senate Bill No. 215.]

ANNEXATION OF FIRE PROTECTION DISTRICT  
TERRITORY BY CITY OR TOWN.

AN ACT relating to annexation of fire protection district territory by cities and towns; and amending section 35.13.248, chapter 7, Laws of 1965 and RCW 35.13.248.

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

RCW 35.13.248  
amended.

Section 1. Section 35.13.248, chapter 7, Laws of 1965 and RCW 35.13.248 are each amended to read as follows:

Cities and  
towns. Annex-  
ation of fire  
protection  
district.

If a portion of a fire protection district including less than sixty percent of the assessed value of the real property of the district is annexed to or incorporated into a city or town, the ownership of all

assets of the district shall remain in the district and the district shall pay to the city or town within one year or within such period of time as the district continues to collect taxes in such incorporated or annexed areas, in cash, properties or contracts for fire protection services, a percentage of the value of said assets equal to the percentage of the value of the real property in the entire district lying within the area so incorporated or annexed: *Provided*, That if less than five percent of the area of the district is affected, no payment shall be made to the city or town. The fire protection district shall provide fire protection to the incorporated or annexed area for such period as the district continues to collect taxes levied in such annexed or incorporated area.

For the purposes of this section, the word "assets" shall mean the total assets of the fire district, reduced by its liabilities, including bonded indebtedness, the same to be determined by usual and accepted accounting methods. The amount of said liability shall be determined by reference to the fire district's balance sheet, produced in the regular course of business, which is nearest in time to the certification of the annexation of fire district territory by the city or town.

Passed the Senate February 22, 1967.

Passed the House March 4, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 147.

[Senate Bill No. 197.]

INSURANCE—UNFAIR PRACTICES AND COMPETITION.

AN ACT relating to the insurance industry and unfair practices; and amending section 17, chapter 216, Laws of 1961 and RCW 19.86.170.

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

RCW 19.86.170 amended.

Section 1. Section 17, chapter 216, Laws of 1961 and RCW 19.86.170 are each amended to read as follows:

Insurance—Application of Unfair Practices Act.

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

RCW 9.01.090 shall not be applicable to the terms of this chapter and no penalty or remedy shall result from a violation of this chapter except as expressly provided herein.

Passed the Senate February 15, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 148.

[Senate Bill No. 221.]

RECORDING—MORTGAGES, DEEDS OF TRUST—  
MASTER FORM INSTRUMENTS.

AN ACT relating to recording; and adding a new section to chapter 278, Laws of 1927 and to chapter 65.08 RCW.

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

Section 1. There is added to chapter 278, Laws of 1927 and to chapter 65.08 RCW a new section to read as follows:

A mortgage or deed of trust of real estate may be recorded and constructive notice of the same and the contents thereof given in the following manner:

**Recording—  
Mortgages,  
deeds of trust  
—Master form  
instruments.**

(1) An instrument containing a form or forms of covenants, conditions, obligations, powers, and other clauses of a mortgage or deed of trust may be recorded in the office of the county auditor of any county and the auditor of such county, upon the request of any person, on tender of the lawful fees therefor, shall record the same. Every such instrument shall be entitled on the face thereof as a “Master form recorded by . . . (name of person causing the instrument to be recorded).” Such instrument need not be acknowledged to be entitled to record.

(2) When any such instrument is recorded, the county auditor shall index such instrument under the name of the person causing it to be recorded in the manner provided for miscellaneous instruments relating to real estate.

(3) Thereafter any of the provisions of such master form instrument may be incorporated by reference in any mortgage or deed of trust of real estate situated within this state, if such reference in the mortgage or deed of trust states that the master form instrument was recorded in the county in which the mortgage or deed of trust is offered for

Recording—  
Mortgages,  
deeds of trust  
—Master form  
instruments.

record, the date when and the book and page or pages where such master form instrument was recorded, and that a copy of such master form instrument was furnished to the person executing the mortgage or deed of trust. The recording of any mortgage or deed of trust which has so incorporated by reference therein any of the provisions of a master form instrument recorded as provided in this section shall have like effect as if such provisions of the master form so incorporated by reference had been set forth fully in the mortgage or deed of trust.

(4) Whenever a mortgage or deed of trust is presented for recording on which is set forth matter purporting to be a copy or reproduction of such master form instrument or of part thereof, identified by its title as provided in subdivision one of this section and stating the date when it was recorded and the book and page where it was recorded, preceded by the words “do not record” or “not to be recorded,” and plainly separated from the matter to be recorded as a part of the mortgage or deed of trust in such manner that it will not appear upon a photographic reproduction of any page containing any part of the mortgage or deed of trust, such matter shall not be recorded by the county auditor to whom the instrument is presented for recording; in such case the county auditor shall record only the mortgage or deed of trust apart from such matter and shall not be liable for so doing, any other provisions of law to the contrary notwithstanding.

Passed the Senate March 1, 1967.

Passed the House March 9, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 149.

[Senate Bill No. 200.]

SUPERIOR COURT—JUDGES PRO TEMPORE.

AN ACT relating to judges of the superior court; and amending section 11, page 343, Laws of 1890 and RCW 2.08.180.

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

Section 1. Section 11, page 343, Laws of 1890 and RCW 2.08.180 are each amended to read as follows:

RCW 2.08.180 amended.

A case in the superior court of any county may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case; and his action in the trial of such cause shall have the same effect as if he were a judge of such court. A judge pro tempore shall, before entering upon his duties in any cause, take and subscribe the following oath or affirmation:

Judges pro tempore—Appointment—Oath—Compensation.

“I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge pro tempore in the cause wherein ..... is plaintiff and ..... defendant, according to the best of my ability.”

A judge pro tempore who is a practicing attorney and who is not a retired judge of the supreme court or of a superior court of the state of Washington, or who is not an active judge of an inferior court of the state of Washington, shall receive a compensation of one-two hundred and fiftieth of the annual salary of a superior court judge for each day engaged in said trial, to be paid in the same manner as the salary of the superior judge. A judge who is an active judge of an inferior court of the state of

Washington shall receive no compensation as judge pro tempore. A judge who has retired from the supreme court or superior court of the state of Washington shall receive compensation as judge pro tempore in the amount of sixty percent of the amount payable to a judge pro tempore under this section.

Passed the Senate March 7, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 150.

[Substitute Senate Bill No. 199.]

### INSURANCE.

AN ACT relating to insurance; amending section 02.08, chapter 79, Laws of 1947 and RCW 48.02.080; adding two new sections to chapter 79, Laws of 1947 and to chapter 48.05 RCW; amending section 05.14, chapter 79, Laws of 1947 and RCW 48.05.140; amending section 7, chapter 195, Laws of 1963 and RCW 48.05.340; amending section 06.04, chapter 79, Laws of 1947 and RCW 48.06.040; amending section 06.05, chapter 79, Laws of 1947 and RCW 48.06.050; amending section 11.08, chapter 79, Laws of 1947 and RCW 48.11.080; repealing section 11.09, chapter 79, Laws of 1947 and RCW 48.11.090; adding a new section to chapter 79, Laws of 1947 and to chapter 48.13 RCW; amending section 13.12, chapter 79, Laws of 1947, as last amended by section 1, chapter 303, Laws of 1955, and RCW 48.13.120; amending section 14.01, chapter 79, Laws of 1947, as last amended by section 4, chapter 303, Laws of 1955, and RCW 48.14.010; adding two new sections to chapter 79, Laws of 1947 and to chapter 48.17 RCW; amending section 17.09, chapter 79, Laws of 1947 and RCW 48.17.090; amending section 17.11, chapter 79, Laws of 1947, as last amended by section 19, chapter 70, Laws of 1965 extraordinary session, and RCW 48.17.110; amending section 17.12, chapter 79, Laws of 1947, as last amended by section 11, chapter 303, Laws of 1955, and RCW 48.17.120; amending section 17.13, chapter 79, Laws of 1947 and RCW 48.17.130; amending section 17.15, chapter 79, Laws of 1947, as last amended by section 4, chapter 194, Laws of 1961, and RCW 48.17.150; amending section 17.16, chapter 79, Laws of 1947, as last amended by section 6, chapter

225, Laws of 1959, and RCW 48.17.160; amending section 17.19, chapter 79, Laws of 1947 and RCW 48.17.190; amending section 17.24, chapter 79, Laws of 1947 and RCW 48.17.240; amending section 17.53, chapter 79, Laws of 1947 and RCW 48.17.530; amending section 17.54, chapter 79, Laws of 1947 and RCW 48.17.540; amending section 17.56, chapter 79, Laws of 1947 and RCW 48.17.560; adding a new section to chapter 79, Laws of 1947 and to chapter 48.20 RCW; adding a new section to chapter 79, Laws of 1947 and to chapter 48.22 RCW; amending section 24.04, chapter 79, Laws of 1947, as last amended by section 9, chapter 194, Laws of 1961, and RCW 48.24.040; repealing section 22, chapter 303, Laws of 1955 and RCW 48.24.085; amending section 29.13, chapter 79, Laws of 1947 and RCW 48.29.130; and amending section 31.19, chapter 79, Laws of 1947 and RCW 48.31.190.

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

Section 1. Section 02.08, chapter 79, Laws of 1947 and RCW 48.02.080 are each amended to read as follows:

RCW 48.02.080 amended.

(1) The commissioner may prosecute an action in any court of competent jurisdiction to enforce any order made by him pursuant to any provision of this code.

Insurance. Insurance commissioner. Enforcement.

(2) If the commissioner has cause to believe that any person has violated any penal provision of this code or of other laws relating to insurance he shall certify the facts of the violation to the public prosecutor of the jurisdiction in which the offense was committed.

(3) If the commissioner has cause to believe that any person is violating or is about to violate any provision of this code or any regulation or order of the commissioner, he may:

(a) issue a cease and desist order; and/or  
 (b) bring an action in any court of competent jurisdiction to enjoin the person from continuing the violation or doing any action in furtherance thereof.

(4) The attorney general and the several prosecuting attorneys throughout the state shall prose-

cute or defend all proceedings brought pursuant to the provisions of this code when requested by the commissioner.

New section. Sec. 2. There is added to chapter 79, Laws of 1947 and to chapter 48.05 RCW a new section to read as follows:

Insurance—Insurers—Requirements. No certificate of authority shall be granted to a foreign or alien applicant that has not actively transacted for three years the classes of insurance for which it seeks to be admitted; except, the foregoing shall not apply to any subsidiary of a seasoned, reputable insurer that has held a certificate of authority in this state for at least three years.

New section. Sec. 3. There is added to chapter 79, Laws of 1947 and to chapter 48.05 RCW a new section to read as follows:

Transacting business with in state—Submission to jurisdiction of courts. (1) Any foreign or alien insurer not thereunto authorized by the commissioner, whether it be a surplus lines insurer operating under chapter 48.15 RCW or not, who, by mail or otherwise, solicits insurance business in this state or transacts insurance business in this state as defined by RCW 48.01.060, thereby submits itself to the jurisdiction of the courts of this state in any action, suit or proceeding instituted by or on behalf of an insured, beneficiary or the commissioner arising out of such unauthorized solicitation of insurance business, including, but not limited to, an action for injunctive relief by the commissioner.

(2) In any such action, suit or proceeding instituted by or on behalf of an insured or beneficiary, service of legal process against such unauthorized foreign or alien insurer may be made by service of duplicate copies of legal process on the commissioner by a person competent to serve a summons or by registered mail. At the time of service the plaintiff shall pay to the commissioner two dollars, tax-

able as costs in the action. The commissioner shall forthwith mail one of the copies of the process, by registered mail with return receipt requested, to the defendant at its last known principal place of business. The defendant insurer shall have forty days from the date of the service on the commissioner within which to plead, answer or otherwise defend the action.

(3) In any such action, suit or proceeding by the commissioner, service of legal process against such unauthorized foreign or alien insurer may be made by personal service of legal process upon any officer of such insurer at its last known principal place of business outside the state of Washington. The summons upon such unauthorized foreign or alien insurer shall contain the same requisites and be served in like manner as personal summons within the state of Washington; except, the insurer shall have forty days from the date of such personal service within which to plead, answer or otherwise defend the action.

Sec. 4. Section 05.14, chapter 79, Laws of 1947 and RCW 48.05.140 are each amended to read as follows:

RCW 48.05.140 amended.

The commissioner may refuse, suspend, or revoke an insurer's certificate of authority, in addition to other grounds therefor in this code, if the insurer:

Certificate of authority—  
Discretionary refusal, revocation or suspension—  
Grounds.

(1) Fails to comply with any provision of this code other than those for violation of which refusal, suspension, or revocation is mandatory, or fails to comply with any proper order of the commissioner.

(2) Is found by the commissioner to be in such condition that its further transaction of insurance in this state would be hazardous to policyholders and the people in this state.

Certificate of  
authority—  
Discretionary  
refusal, revo-  
cation or  
suspension—  
Grounds.

(3) Refuses to remove or discharge a director or officer who has been convicted of any crime involving fraud, dishonesty, or like moral turpitude.

(4) Usually compels claimants under policies either to accept less than the amount due them or to bring suit against it to secure full payment of the amount due.

(5) Is affiliated with and under the same general management, or interlocking directorate, or ownership as another insurer which transacts insurance in this state without having a certificate of authority therefor, except as is permitted by this code.

(6) Refuses to be examined, or if its directors, officers, employees or representatives refuse to submit to examination or to produce its accounts, records, and files for examination by the commissioner when required, or refuse to perform any legal obligation relative to the examination.

(7) Fails to pay any final judgment rendered against it in this state upon any policy, bond, recognizance, or undertaking issued or guaranteed by it, within thirty days after the judgment became final or within thirty days after time for taking an appeal has expired, or within thirty days after dismissal of an appeal before final determination, whichever date is the later.

(8) Is found by the commissioner, after investigation or upon receipt of reliable information, to be managed by persons, whether by its directors, officers, or by any other means, who are incompetent or untrustworthy or so lacking in insurance company managerial experience as to make a proposed operation hazardous to the insurance-buying public; or that there is good reason to believe it is affiliated directly or indirectly through ownership, control, reinsurance or other insurance or business relations, with any person or persons whose business operations are or have been marked, to the

detriment of policyholders or stockholders or investors or creditors or of the public, by bad faith or by manipulation of assets, or of accounts, or of reinsurance.

Sec. 5. Section 7, chapter 195, Laws of 1963 and RCW 48.05.340 are each amended to read as follows:

RCW 48.05.340 amended.

(1) Subject to RCW 48.05.350 and 48.05.360 to qualify for authority to transact any one kind of insurance as defined in chapter 48.11 RCW or combination of kinds of insurance as shown below, a foreign or alien insurer, whether stock, mutual, or a reciprocal, or a domestic stock insurer hereafter formed shall possess and thereafter maintain unimpaired paid-in capital stock, if a stock insurer, or unimpaired basic surplus if a foreign mutual insurer or foreign reciprocal insurer, and shall possess when first so authorized additional funds in surplus as follows:

Insurers—  
Capital and  
surplus  
requirements.

	Paid-in capital stock or basic surplus	Additional surplus
Kind or kinds of insurance		
Life .....	\$400,000	\$400,000
Disability .....	400,000	400,000
Life and disability.....	500,000	500,000
Property .....	400,000	400,000
Marine & transportation....	450,000	450,000
General casualty .....	500,000	500,000
Vehicle .....	400,000	400,000
Surety .....	500,000	500,000
Any two of the following kinds of insurance: Prop- erty, marine & transporta- tion, general casualty, vehicle, surety, disability.	550,000	550,000
Multiple lines (all insur- ances except life and title insurance) .....	650,000	650,000

Insurers—  
Capital and  
surplus  
requirements.

Title (in accordance with the  
provisions of chapter 48.29  
RCW)

(2) Capital and surplus requirements are based upon all the kinds of insurance transacted by the insurer wherever it may operate or propose to operate, whether or not only a portion of such kinds are to be transacted in this state.

(3) An insurer holding a certificate of authority to transact insurance in this state immediately prior to the effective date of this act may continue to be authorized to transact the same kinds of insurance as long as it is otherwise qualified for such authority and thereafter maintains unimpaired the amount of paid-in capital stock, if a stock insurer, or basic surplus, if a mutual or reciprocal insurer, and special surplus as required of it under laws in force immediately prior to such effective date; and any proposed domestic insurer which is in process of formation or financing under a solicitation permit which is outstanding immediately prior to the effective date of this act shall, if otherwise qualified therefor, be authorized to transact any kind or kinds of insurance upon the basis of the capital and surplus requirements of such an insurer under the laws in force immediately prior to such effective date.

(4) As to surplus required for qualification to transact one or more kinds of insurance and thereafter to be maintained, domestic mutual insurers are governed by chapter 48.09 RCW, and reciprocal insurers are governed by chapter 48.10 RCW.

RCW 48.06.040  
amended.

Sec. 6. Section 06.04, chapter 79, Laws of 1947 and RCW 48.06.040 are each amended to read as follows:

To apply for a solicitation permit the person shall:

(1) File with the commissioner a request therefor showing,

(a) name, type, and purpose of insurer, corporation or syndicate proposed to be formed;

(b) names, addresses, fingerprints, and business records of each person associated or to be associated in the formation of the proposed insurer, corporation, or syndicate;

(c) full disclosure of the terms of all understandings and agreements existing or proposed among persons so associated relative to the proposed insurer, corporation, or syndicate, or the formation thereof;

(d) the plan according to which solicitations are to be made;

(e) such additional information as the commissioner may reasonably require.

(2) File with the commissioner,

(a) original and copies in triplicate of proposed articles of incorporation, or syndicate agreement; or, if the proposed insurer is a reciprocal, original and duplicate of the proposed subscribers' agreement and attorney in fact agreement;

(b) original and duplicate copy of any proposed bylaws;

(c) copy of any security proposed to be issued and copy of application or subscription agreement therefor;

(d) copy of any insurance contract proposed to be offered and copy of application therefor;

(e) copy of any prospectus, advertising, or literature proposed to be used;

(f) copy of proposed form of any escrow agreement required.

(3) Deposit with the commissioner the fees required by law to be paid for the application, for filing of the articles of incorporation of an insurer, for filing the subscribers' agreement and attorney in fact agreement if the proposed insurer is a reciprocal, for the solicitation permit, if granted, and for

Domestic  
Insurers—  
Application for  
solicitation  
permit.

filing articles of incorporation with the secretary of state.

RCW 48.06.050  
amended.

Sec. 7. Section 06.05, chapter 79, Laws of 1947 and RCW 48.06.050 are each amended to read as follows:

Insurers—  
Solicitation  
permit—Pro-  
cedure upon  
application.

The commissioner shall expeditiously examine the application for a solicitation permit and make any investigation relative thereto deemed necessary.

If the commissioner finds that

(1) the application is complete; and  
(2) the documents therewith filed are equitable in terms and proper in form; and

(3) the management of the company, whether by its directors, officers, or by any other means is competent and trustworthy and not so lacking in managerial experience as to make a proposed operation hazardous to the insurance-buying public; and that there is no reason to believe the company is affiliated, directly or indirectly, through ownership, control, reinsurance, or other insurance or business relations, with any other person or persons whose business operations are or have been marked, to the detriment of the policyholders or stockholders or investors or creditors or of the public, by bad faith or by manipulation of assets, or of accounts, or of reinsurance; and

(4) the agreements made or proposed are equitable to present and future shareholders, subscribers, members or policyholders, he shall give notice to the applicant that he will issue a solicitation permit, stating the terms to be contained therein, upon the filing of the bond required by RCW 48.06.110 of this code.

If the commissioner does not so find, he shall give notice to the applicant that the permit will not be granted, stating the grounds therefor, and shall refund to the applicant all sums so deposited except the application fee.

Sec. 8. Section 11.08, chapter 79, Laws of 1947 and RCW 48.11.080 are each amended to read as follows:

RCW 48.11.080 amended.

“Surety insurance” includes:

Insuring powers—  
“Surety insurance” defined.

(1) Credit insurance as defined in subdivision (9) of RCW 48.11.070.

(2) Bail bond insurance.

(3) Fidelity insurance, which is insurance guaranteeing the fidelity of persons holding positions of public or private trust.

(4) Guaranteeing the performance of contracts, other than insurance policies, and guaranteeing and executing bonds, undertakings, and contracts of suretyship.

(5) Indemnifying banks, bankers, brokers, financial or moneyed corporations or associations against loss resulting from any cause of bills of exchange, notes, bonds, securities, evidence of debts, deeds, mortgages, warehouse receipts, or other valuable papers, documents, money, precious metals and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semiprecious stones, including any loss while the same are being transported in armored motor vehicles, or by messenger, but not including any other risks of transportation or navigation; also against loss or damage to such an insured’s premises, or to his furnishings, fixtures, equipment, safes and vaults therein, caused by burglary, robbery, theft, vandalism or malicious mischief, or any attempt thereat.

Sec. 9. Section 11.09, chapter 79, Laws of 1947 and RCW 48.11.090 are each repealed.

Repeal.

Sec. 10. There is added to chapter 79, Laws of 1947 and to chapter 48.13 RCW a new section to read as follows:

New section.

A mortgage loan or investment therein upon a one-family dwelling property shall be amortized

Insurance companies—  
Investments—  
Mortgage loan on single family dwelling.

within not more than thirty years by payments of installments thereon at regular intervals not less frequent than every three months; except that the initial amortization period of the mortgage or investment, when added to the age of the dwelling at the time of the making of the mortgage loan or investment, shall in no event exceed forty-five years.

RCW 48.13.120 amended.

Sec. 11. Section 13.12, chapter 79, Laws of 1947, as last amended by section 1, chapter 303, Laws of 1955, and RCW 48.13.120 are each amended to read as follows:

Mortgage loan limited by property value.

(1) No mortgage loan or investment therein upon any one parcel of real property shall exceed in amount at the time of acquisition:

(a) Seventy-five percent of the fair value of the property if the property is a dwelling house primarily intended for occupancy by one family; or

(b) sixty-six and two-thirds percent of the fair value of the property in all other cases.

(2) The extent to which a mortgage loan made under subdivision (3) or (4) of RCW 48.13.110 is guaranteed or insured by the Federal Housing Administration or guaranteed by the Administrator of Veterans' Affairs may be deducted before application of the limitations contained in subsection (1) of this section.

RCW 48.14.010 amended.

Sec. 12. Section 14.01, chapter 79, Laws of 1947, as last amended by section 4, chapter 303, Laws of 1955, and RCW 48.14.010 are each amended to read as follows:

Insurance—  
Fees and taxes.  
Fee schedule.

(1) The commissioner shall collect in advance the following fees:

(a) For filing charter documents:

(i) Original charter documents, bylaws or record of organization of insurers,

- or certified copies thereof, required to be filed ..... \$25.00
- (ii) Amended charter documents, or certified copy thereof, other than amendments of bylaws..... \$10.00
- (iii) No additional charge or fee shall be required for filing any of such documents in the office of secretary of state.
- (b) Certificate of authority:
- (i) Issuance ..... \$20.00
- (ii) Renewal ..... \$20.00
- (c) Annual statement of insurer, filing... \$20.00
- (d) Organization or financing of domestic insurers and affiliated corporations:
- (i) Application for solicitation permit, filing ..... \$15.00
- (ii) Issuance of solicitation permit..... \$10.00
- (e) Agents' licenses:
- (i) Agent's license for life, or disability insurance, only, or both for same insurer, each year ..... \$ 2.00
- (ii) Agent's license for other kind or kinds of insurance, three-year period..... \$10.00  
Filing of appointment of each such agent ..... \$ 5.00
- (iii) Limited license issued pursuant to RCW 48.17.190, each year..... \$ 2.00
- (iv) Temporary license as agent..... \$ 2.00
- (f) Brokers' licenses:
- (i) Resident or nonresident broker, casualty-property or life and disability, each year ..... \$25.00
- (ii) All lines broker's license..... \$50.00
- (iii) Surplus line broker, twelve-month period .....\$100.00
- (iv) Temporary license as broker..... \$25.00
- (g) Solicitors' license, each year..... \$ 2.00

Insurance—  
Fees and taxes.  
Fee schedule.

- (h) Adjusters' licenses:
  - (i) Independent adjuster, each year . . . . . \$10.00
  - (ii) Public adjuster, each year . . . . . \$10.00
  - (i) Resident general agent's license, each year . . . . . \$ 5.00
  - (j) Examination for license, each examination:
    - (i) Resident or nonresident broker's license . . . . . \$25.00
    - (ii) All other examinations . . . . . \$ 5.00
  - (k) Miscellaneous services:
    - (i) Filing other documents . . . . . \$ 2.00
    - (ii) Commissioner's certificate under seal \$ 2.00
    - (iii) Copy of documents filed in the commissioner's office, reasonable charge therefor as determined by the commissioner.

(2) All fees so collected shall be remitted by the commissioner to the state treasurer not later than the first business day following, and shall be placed to the credit of the general fund.

New section.

Sec. 13. There is added to chapter 79, Laws of 1947 and to chapter 48.17 RCW a new section to read as follows:

Agents, brokers, solicitors and adjusters.

Every insurance agent, broker, adjuster, or other person licensed under this chapter shall promptly reply in writing to an inquiry of the commissioner relative to the business of insurance.

New section.

Sec. 14. There is added to chapter 79, Laws of 1947 and to chapter 48.17 RCW a new section to read as follows:

Insurance advisory examining board.

(1) There is hereby created an insurance advisory examining board, hereafter referred to as the examining board or the board.

(2) The examining board shall consist of seven members, the commissioner who shall serve ex officio as a member and shall act as chairman, and

six members appointed by the commissioner. Appointments shall be made within thirty days after the effective date of this act.

(3) The insurance commissioner as chairman shall keep a record of all proceedings of the board, send out notices of meetings of the board, draft rules and regulations of the board, and perform such other duties as may be required.

(4) The members of the board appointed by the commissioner shall have been licensed insurance agents or brokers of this state for at least five years prior to their appointments, three of whom shall have been engaged in the life or disability fields and the remaining three in other insurance fields. Consistent with the representation on the board, it may function as two separate committees, at which meetings the commissioner shall also preside.

(5) The first terms for members of the examining board appointed by the commissioner shall be as follows: Two members for one year; two members for two years; two members for three years. Thereafter, the terms shall be for two years and until their successors are appointed and qualified.

(6) The examining board, or any committee of the board, shall meet at the call of the commissioner. A majority of the members of the board or of a committee shall constitute a quorum for the transaction of business by the board or a committee of the board.

(7) The board shall have the advisory power:

(a) To recommend general policy concerning the scope, contents, procedure and conduct of examinations to be given for respective licenses as agent, broker and solicitor.

(b) To recommend the questions comprising each particular such examination and from time to time to change such questions as the board deems advisable, and where examinations are composed by

—Insurance  
advisory ex-  
amining board.

the board results of these examinations shall be evaluated by the board.

(c) To review other state insurance examination papers and the grading thereof.

(d) To recommend the scope and contents of material furnished agent, broker or solicitor examination applicants by the commissioner under RCW 48.17.120 for the purpose of preparing for any such examination.

(e) To recommend rules and regulations for the procedure to be followed in the conduct of such examinations, including, but not limited to, application for examination, frequency and place of examinations, minimum waiting period before reexamination, monitoring, and the safeguarding of examination questions and papers. The board shall file copies of all such rules and regulations, and of all amendments or modifications thereof, with the commissioner and with the code reviser for public inspection and information.

(f) To make such recommendations to the commissioner in regard to the administration of the examination requirement as the board from time to time deems appropriate.

(8) Members may be removed by the commissioner for any cause which unreasonably interferes with the proper discharge of the responsibilities of the board or any member thereof. Any vacancy shall be filled by the commissioner within ninety days after it occurs by appointment for the remainder of the unexpired term.

(9) Appointed members of the examining board shall receive compensation from the appropriation to the insurance commissioner at the rate of twenty-five dollars per day while discharging their duties as directed and approved by the commissioner, and shall be reimbursed for their necessary travel expenses incurred in the actual performance

of their duties at the rate provided by statute for state employees: *Provided, however,* That the powers and recommendations of the examining board shall be advisory only.

Sec. 15. Section 17.09, chapter 79, Laws of 1947 and RCW 48.17.090 are each amended to read as follows:

RCW 48.17.090 amended.

(1) Application for any such license shall be made to the commissioner upon forms as prescribed and furnished by him. As a part of or in connection with any such application the applicant shall furnish information concerning his identity, including his fingerprints, personal history, experience, business record, purposes, and other pertinent facts, as the commissioner may reasonably require.

Agents, brokers, solicitors and adjusters  
—Application for license.

(2) If the applicant is a firm or corporation, the application shall show, in addition, the names of all members and officers, and shall designate each individual who is to exercise the powers to be conferred by the license upon such firm or corporation. The commissioner shall require each such individual to furnish information to him as though for an individual license.

(3) Any person wilfully misrepresenting any fact required to be disclosed in any such application shall be liable to penalties as provided by this code.

Sec. 16. Section 17.11, chapter 79, Laws of 1947, as last amended by section 19, chapter 70, Laws of 1965, extraordinary session, and RCW 48.17.110 are each amended to read as follows:

RCW 48.17.110 amended.

(1) Each applicant for license as agent, broker, solicitor, or adjuster shall prior to the issuance of any such license, personally take and pass to the satisfaction of the examining authority, an examination given as a test of his qualifications and competence, but this requirement shall not apply to:

Insurance agents, brokers, solicitors and adjusters  
—Examination of applicants.

Insurance  
agents, brok-  
ers, solicitors  
and adjusters  
—Examination  
of applicants.

(a) Applicants for limited licenses under RCW 48.17.190, at the discretion of the commissioner.

(b) Applicants who within the five-year period next preceding date of application have been licensed in this state under a license requiring qualifications similar to qualifications required by the license applied for or who have successfully completed a course of study recognized as a mark of distinction by the insurance industry and who are deemed by the commissioner to be fully qualified and competent.

(c) Applicants for license as nonresident agent or as nonresident broker or as nonresident adjuster who are duly licensed in their state of residence and who are deemed by the commissioner to be fully qualified and competent for a similar license in this state.

(d) Applicants for an agent's or solicitor's license covering the same kinds of insurance as an agent's or solicitor's license then held by them.

(e) Applicants for an adjuster's license who for a period of one year next preceding the date of application have been a full time salaried employee of an insurer or of a general agent to adjust, investigate, or report claims arising under insurance contracts.

(2) Any person licensed as an insurance broker by this state prior to the effective date of this act, who is otherwise qualified to be a licensed insurance broker, shall be entitled to renew his broker's license by payment of the applicable fee for such of the broker's licenses authorized by RCW 48.17.240, as he shall elect, without taking any additional examination, except as provided in subsection (3).

(3) The commissioner may at any time require any licensed agent, broker, solicitor, or adjuster to take and successfully pass an examination testing his competence and qualifications as a condition to

the continuance or renewal of his license, if the licensee has been guilty of violation of this code, or has so conducted his affairs under his license as to cause the commissioner reasonably to desire further evidence of his qualifications.

Sec. 17. Section 17.12, chapter 79, Laws of 1947, as last amended by section 11, chapter 303, Laws of 1955, and RCW 48.17.120 are each amended to read as follows:

RCW 48.17.120  
amended.

(1) Each such examination shall be of sufficient scope reasonably to test the applicant's knowledge relative to the kinds of insurance which may be dealt with under the license applied for, and of the duties and responsibilities of, and laws of this state applicable to, such a licensee.

Scope of ex-  
amination.

(2) Examination as to ocean marine and related coverages may be waived by the commissioner as to any applicant deemed by the commissioner to be qualified by past experience to deal in such insurances.

(3) The commissioner shall prepare and make available to insurers, general agents, brokers, agents, and applicants a printed manual specifying in general terms the subjects which may be covered in any examination for a particular license.

Sec. 18. Section 17.13, chapter 79, Laws of 1947 and RCW 48.17.130 are each amended to read as follows:

RCW 48.17.130  
amended.

(1) The answers of the applicant to any such examination shall be written by the applicant under the examining authority's supervision, and any such written examination may be supplemented by oral examination at the discretion of the examining authority.

Examina-  
tions—Form—  
Time of, fee.

(2) Examinations shall be given at such times and places within this state as the examining authority deems necessary reasonably to serve the

convenience of both the examining authority and applicants.

(3) The examining authority may require a waiting period of reasonable duration before giving a new examination to an applicant who has failed to pass a previous similar examination.

(4) For each examination taken, the commissioner shall collect in advance the fee provided in RCW 48.14.010.

RCW 48.17.150  
amended.

Sec. 19. Section 17.15, chapter 79, Laws of 1947, as last amended by section 4, chapter 194, Laws of 1961, and RCW 48.17.150 are each amended to read as follows:

Insurance—  
Agents' and  
brokers'  
qualifications.

(1) To qualify for an agent's or broker's license an applicant must otherwise comply with this code therefor and must

(a) be twenty-one years of age or over, if an individual;

(b) be a bona fide resident of and actually reside in this state, or if a corporation, be other than an insurer and maintain a lawfully established place of business in this state, except as provided in RCW 48.17.330;

(c) be empowered to be an agent or broker, as the case may be, under its members' agreement, if a firm, or by its articles of incorporation, if a corporation;

(d) successfully pass any examination as required under RCW 48.17.110;

(e) be a trustworthy person;

(f) not intend to use or use the license for the purpose principally of writing controlled business, as defined in RCW 48.17.080;

(g) if for an agent's license, be appointed as its agent by one or more authorized insurers, subject to issuance of the license;

(h) if for broker's license, have had at least two years experience either as an agent, solicitor, adjus-

ter, general agent, broker, or as an employee of insurers or representatives of insurers, and special education or training of sufficient duration and extent reasonably to satisfy the commissioner that he possesses the competence necessary to fulfill the responsibilities of broker.

(2) If the commissioner finds that the applicant is so qualified and that the license fee has been paid, he shall issue the license. Otherwise, the commissioner shall refuse to issue the license.

Sec. 20. Section 17.16, chapter 79, Laws of 1947, as last amended by section 6, chapter 225, Laws of 1959, and RCW 48.17.160 are each amended to read as follows:

RCW 48.17.160  
amended.

(1) Each insurer on appointing an agent in this state shall file written notice thereof in duplicate with the commissioner on forms as prescribed and furnished by him, and shall pay the filing fee therefor as provided in RCW 48.14.010. If then licensed, or as soon as licensed, the commissioner shall mail one copy of the appointment to the agent.

Appointment  
of agents—  
Revocation.

(2) Each such appointment shall continue in force until:

(a) The commissioner notifies the insurer that the person so appointed is no longer licensed as an agent by this state; or

(b) the appointment is revoked by the insurer by written notice of such revocation to the agent. The insurer shall forthwith file a duplicate copy of such notice of revocation with the commissioner. No fee shall be charged for filing such copy.

(3) Revocation of an appointment by the insurer shall be deemed to be effective as of the date designated in the notice as being the effective date if the notice is actually received by the agent prior to such designated date; otherwise, as of the earlier of the following dates:

(a) The date such notice of revocation was received by the agent.

(b) The date such notice, if mailed to the agent at his last address of record with the insurer, in due course should have been received by the agent.

RCW 48.17.190 amended.

Sec. 21. Section 17.19, chapter 79, Laws of 1947 and RCW 48.17.190 are each amended to read as follows:

Insurance—  
Agents, etc.—  
Limited  
licenses.

The commissioner may issue limited licenses to the following:

(1) Persons selling transportation tickets of a common carrier of persons or property who shall act as such agents only as to transportation ticket policies of disability insurance or baggage insurance on personal effects.

(2) Compensated master policyholders of credit life and credit accident and health insurance, retail dealers compensated by any such master policyholders, or the authorized representative(s) of either.

RCW 48.17.240 amended.

Sec. 22. Section 17.24, chapter 79, Laws of 1947 and RCW 48.17.240 are each amended to read as follows:

Scope of broker's license.

A broker's license may be issued to cover the following lines of insurance:

(a) All lines of insurance; or

(b) All lines except life, which shall be designated as a casualty-property broker's license; or

(c) Life and disability only.

RCW 48.17.530 amended.

Sec. 23. Section 17.53, chapter 79, Laws of 1947 and RCW 48.17.530 are each amended to read as follows:

Insurance—  
Refusal,  
revocation,  
suspension of  
licenses.

(1) The commissioner may suspend, revoke, or refuse to issue or renew any license which is issued or may be issued under this chapter or any surplus line broker's license for any cause specified in any

other provision of this code, or for any of the following causes:

(a) For any cause for which issuance of the license could have been refused had it then existed and been known to the commissioner.

(b) If the licensee wilfully violates or knowingly participates in the violation of any provision of this code.

(c) If the licensee has obtained or attempted to obtain any such license through wilful misrepresentation or fraud, or has failed to pass any examination required under this chapter.

(d) If the licensee has misappropriated or converted to his own use or has illegally withheld moneys required to be held in a fiduciary capacity.

(e) If the licensee has, with intent to deceive, materially misrepresented the terms or effect of any insurance contract; or has engaged or is about to engage in any fraudulent transaction.

(f) If the licensee has been guilty of "twisting," as defined in RCW 48.30.180, or of rebating, as defined in chapter 48.30.

(g) If the licensee has been convicted, by final judgment, of a felony.

(h) If in the conduct of his affairs under the license, the licensee has shown himself to be, and is so deemed by the commissioner, incompetent, or untrustworthy, or a source of injury and loss to the public.

(i) If the licensee has dealt with, or attempted to deal with, insurances or to exercise powers relative to insurance outside the scope of his licenses.

(2) If any natural person named under a firm or corporate license, or application therefor, commits or has committed any act or fails or has failed to perform any duty which is a ground for the commissioner to revoke, suspend or refuse to issue or renew the license or application for license, the commis-

Insurance—  
Refusal,  
revocation,  
suspension of  
licenses.

sioner may revoke, suspend, refuse to renew, or refuse to issue:

(a) The license, or application therefor, of the corporation or firm; or

(b) The right of the natural person to act thereunder; or

(c) Any other license held or applied for by the natural person; or

(d) He may take all such steps.

(3) The holder of any license which has been revoked or suspended shall surrender the license certificate to the commissioner at the commissioner's request.

RCW 48.17.540  
amended.

Sec. 24. Section 17.54, chapter 79, Laws of 1947 and RCW 48.17.540 are each amended to read as follows:

Procedure  
to revoke,  
suspend or re-  
fuse licenses.

(1) The commissioner shall revoke or refuse to renew any such license immediately and without hearing, upon conviction of the licensee of a felony by final judgment of any court of competent jurisdiction.

(2) The commissioner may suspend, revoke, or refuse to renew any such license:

(a) By order given to the licensee not less than fifteen days prior to the effective date thereof, subject to the right of the licensee to have a hearing as provided in RCW 48.04.010; or

(b) by an order on hearing made as provided in RCW 48.04.090 effective as of ten days after date of the giving of the order, subject to the right of the licensee to appeal to the superior court for Thurston county as provided in chapter 48.04.

RCW 48.17.560  
amended.

Sec. 25. Section 17.56, chapter 79, Laws of 1947 and RCW 48.17.560 are each amended to read as follows:

After hearing and in addition to or in lieu of the suspension, revocation, or refusal to renew any such

license, the commissioner may levy a fine upon the licensee for each offense in amount not less than twenty-five dollars and not more than two hundred and fifty dollars, but in no case more than a total of five hundred dollars. The order levying such fine shall specify the period within which the fine shall be fully paid, and which period shall be not less than fifteen nor more than thirty days from the date of the order. Upon failure to pay any such fine when due, the commissioner shall revoke the licenses of the licensee 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.

Fines may be imposed.

Sec. 26. There is added to chapter 79, Laws of 1947 and to chapter 48.20 RCW a new section to read as follows:

New section.

Every individual disability insurance policy issued after January 1, 1968, except single premium nonrenewable policies, shall have printed on its face or attached thereto a notice stating in substance that the person to whom the policy is issued shall be permitted to return the policy within ten days of its delivery to the purchaser and to have the premium paid refunded if, after examination of the policy, the purchaser is not satisfied with it for any reason. If a policyholder or purchaser pursuant to such notice, returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

Disability insurance—  
New policy.  
Return within ten days.

Sec. 27. There is added to chapter 79, Laws of 1947 and to chapter 48.22 RCW a new section to read as follows:

New section.

Motor vehicle  
insurance—  
Minimum  
limits of  
liability.

On and after January 1, 1968, no new policy or renewal of an existing policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in RCW 46.29.490, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom, except that the named insured may be given the right to reject such coverage, and except that, unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with a policy previously issued to him by the same insurer.

RCW 48.24.040  
amended.

Sec. 28. Section 24.04, chapter 79, Laws of 1947, as last amended by section 9, chapter 194, Laws of 1961, and RCW 48.24.040 are each amended to read as follows:

Group life  
insurance—  
Debtor groups.

The lives of a group of individuals may be insured under a policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditors, subject to the provisions of the insurance code relating to credit life insurance and credit accident and health insurance and to the following requirements:

(1) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments, or all of any class or classes thereof determined by

conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness, except that nothing in this section shall preclude an insurer from excluding from the classes eligible for insurance classes of debtors determined by age. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations, and the debtors of one or more affiliated corporations, proprietors or partnerships if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise.

(2) The premium for the policy shall be paid by the policyholder, either from the creditor's funds, or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least seventy-five percent of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges must insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least one hundred persons yearly, or may reasonably be expected to receive at least one hundred new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than seventy-five percent of the new entrants become insured.

Group life insurance—  
Debtor groups.

(4) Payment by the debtor insured under any such group life insurance contract of the premium charged the creditor by the insurer for such insurance pertaining to the debtor, shall not be deemed to constitute a charge upon a loan in violation of any usury law.

Repeal.

Sec. 29. Section 22, chapter 303, Laws of 1955 and RCW 48.24.085 are each repealed.

RCW 48.29.130 amended.

Sec. 30. Section 29.13, chapter 79, Laws of 1947 and RCW 48.29.130 are each amended to read as follows:

Title insurers—  
Investments.

The funds of a domestic title insurer, other than those representing its guaranty fund deposit, shall be invested as follows:

(1) Funds in amount not less than its required special reserve shall be kept invested in investments eligible for domestic life insurers.

(2) Other funds may be invested in:

(a) The insurer's plant and equipment, up to a maximum of fifty percent of capital plus surplus.

(b) Stocks and bonds of abstract companies when approved by the commissioner.

(c) Investments eligible for the investment of funds of any domestic insurer.

RCW 48.31.190 amended.

Sec. 31. Section 31.19, chapter 79, Laws of 1947 and RCW 48.31.190 are each amended to read as follows:

Mergers—  
Rehabilitation—  
Liquidation—  
Commencement of proceedings—  
Venue.

(1) Proceedings under this chapter involving a domestic insurer shall be commenced in the superior court for the county in which is located the insurer's home office. Proceedings under this chapter involving other insurers shall be commenced in the superior court for Thurston county.

(2) The commissioner shall commence any such proceeding, the attorney general representing him, by an application to the court or to any judge thereof, for an order directing the insurer to show

cause why the commissioner should not have the relief prayed for.

(3) Upon a showing of an emergency or threat of imminent loss to policyholders of the insurer the court may issue an ex parte order authorizing the commissioner immediately to take over the premises and assets of the insurer, the commissioner then to preserve the status quo, pending a hearing on the order to show cause, which shall be heard as soon as the court calendar permits in preference to other civil cases.

(4) In response to any order to show cause issued under this chapter the insurer shall have the burden of going forward with and producing evidence to show why the relief prayed for by the commissioner is not required.

(5) On the return of such order to show cause, and after a full hearing, the court shall either deny the relief sought in the application or grant the relief sought in the application together with such other relief as the nature of the case and the interest of policyholders, creditors, stockholders, members, subscribers, or the public may require.

Passed the Senate February 14, 1967.

Passed the House March 9, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 151.

[Senate Bill No. 256.]

TEACHERS' RETIREMENT SYSTEM.

AN ACT relating to the Washington state teachers' retirement system; amending section 48, chapter 80, Laws of 1947 as amended by section 21, chapter 274, Laws of 1955, and RCW 41.32.480; amending section 2, chapter 22, Laws of 1961 extraordinary session and RCW 41.32.493; amending section 6, chapter 132, Laws of 1961 and RCW 41.32.561; amending section 4, chapter 76, Laws of 1957 as amended by section 1, chapter 96, Laws of 1959, and RCW 28.81.170; amending section 57, chapter 80, Laws of 1947 as last amended by section 3, chapter 37, Laws of 1959, and RCW 41.32.570; adding three new sections to chapter 80, Laws of 1947 and to chapter 41.32 RCW; making an appropriation; and declaring an effective date.

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

RCW 41.32.480 amended.

Section 1. Section 48, chapter 80, Laws of 1947 as amended by section 21, chapter 274, Laws of 1955, and RCW 41.32.480 are each amended to read as follows:

Teacher's retirement—Qualifications for retirement.

(1) Any member who has left public school service after having completed thirty years of creditable service may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension of four dollars per month for each year of creditable service established. Effective July 1, 1967, anyone then receiving a retirement allowance or a survivor retirement allowance under this chapter, based on thirty-five years of creditable service, and who has established more than thirty-five years of service credit with the retirement system, shall thereafter receive a retirement allowance based on the total years of service credit established.

(2) Any member who has attained age sixty years, but who has completed less than thirty years of creditable service, upon leaving public school service, may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension of four dollars per month for each year of creditable service established.

Sec. 2. Section 2, chapter 22, Laws of 1961 extraordinary session and RCW 41.32.493 are each amended to read as follows:

RCW 41.32.493  
amended.

Any former member of the teachers' retirement system or a former fund who is receiving a retirement allowance for service or disability on July 1, 1961, shall, effective July 1, 1967, receive a pension of four dollars and no cents per month for each year of creditable service established with the retirement system: *Provided*, That such former members who were retired pursuant to option 2 or 3 of RCW 41.32.530 shall receive a pension which is actuarially equivalent under said options to the benefits provided in this section: *Provided further*, That anyone qualifying for benefits pursuant to this section shall not receive a smaller pension than he was receiving prior to July 1, 1961.

Pension rights  
of existing  
annuitant—  
1961 act.

Sec. 3. Section 6, chapter 132, Laws of 1961 and RCW 41.32.561 are each amended to read as follows:

RCW 41.32.561  
amended.

Any former member of the retirement system or a former fund receiving a disability retirement allowance on July 1, 1961, shall in lieu of all allowances provided by any former law receive, effective July 1, 1967, a disability retirement allowance of four dollars per month for each year of creditable service established, but in no event shall the total

Persons re-  
ceiving disabili-  
ty allowances  
on July 1, 1961.

allowance for disability be less than seventy-five dollars per month.

RCW 28.81.170  
amended.

Sec. 4. Section 4, chapter 76, Laws of 1957 as amended by section 1, chapter 96, Laws of 1959, and RCW 28.81.170 are each amended to read as follows:

Teachers'  
retirement—  
Rights and  
duties of mem-  
bers at state  
colleges.

(1) A faculty member designated by the trustees of his respective state college as being subject to such annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system shall retain credit for such service in the Washington state teachers' retirement system and shall leave his accumulated contributions in the teachers' retirement fund (except as provided in subsection 2), and upon his attaining eligibility for retirement under the Washington state teachers' retirement system, such faculty member shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age when becoming eligible for such retirement and a pension of four dollars per month for each year of creditable service established and retained at the time of said designation. Effective July 1, 1967, anyone then receiving pension payments from the teachers' retirement system based on thirty-five years of creditable service shall thereafter receive a pension based on the total years of creditable service established with the retirement system: *Provided, however,* That such faculty member who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he ceases such public educational employment. Any retired faculty member who enters service in any public educational institution shall cease to receive

pension payments while engaged in such service: *Provided*, That service may be rendered up to seventy-five days in a school year without reduction of pension.

(2) A faculty member designated by the trustees of his respective state college as being subject to the annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his election and at any time on and after the effective date of this amendatory act, terminate his membership in the Washington state teachers' retirement system and withdraw his accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members who withdraw their accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

Sec. 5. Section 57, chapter 80, Laws of 1947 as last amended by section 3, chapter 37, Laws of 1959, and RCW 41.32.570 are each amended to read as follows:

RCW 41.32.570  
amended.

Any retired teacher who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: *Provided*, That service may be rendered up to seventy-five days per school year without reduction of pension.

Suspension of  
pension pay-  
ments.

Sec. 6. There is added to chapter 80, Laws of 1947 and to chapter 41.32 RCW a new section to read as follows:

New section.

Any former member of the teachers' retirement system or a former fund who is receiving a retire-

Teachers' retirement—Rights of former members receiving a retirement allowance on July 1, 1967.

ment allowance for service or disability on July 1, 1967, shall upon application approved by the board of trustees of the retirement system receive a pension of five dollars and fifty cents per month for each year of creditable service established with the retirement system: *Provided*, That such former members who were retired pursuant to option 2 or option 3 of RCW 41.32.530 shall upon like application receive a pension which is actuarially equivalent under said option to the benefits provided in this section: *Provided further*, That the benefits provided under this section shall be available only to former members who have reached age sixty-five or are disabled for further public school service and are not receiving federal old age, survivors or disability benefit payments (social security) and are not able to qualify for such benefits: *Provided further*, That anyone qualifying for benefits pursuant to this section shall not receive a smaller pension than he was receiving prior to July 1, 1967.

New section.

Sec. 7. There is added to chapter 80, Laws of 1947 and to chapter 41.32 RCW a new section to read as follows:

Funds required for this act—Seperate appropriation—Transfer of funds.

The funds necessary for the payment of benefits provided by this amendatory act of 1967 shall constitute a separate appropriation transfer from the state general fund to the teachers' retirement fund together with the appropriation required under RCW 41.32.494: *Provided*, That for the 1967-69 biennum the sum of one million three hundred seventy-five thousand dollars or so much as may be needed of this amount shall be transferred from the state general fund to the teachers' retirement fund for the payment of benefits under this 1967 amendatory act.

Severability.

Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the

provision to other persons or circumstances shall not be affected.

Sec. 9. This act shall become effective on July 1, 1967. Effective date.

Passed the Senate February 10, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 152.

[Senate Bill No. 324.]

### FIRE FIGHTING EQUIPMENT—STANDARDIZATION.

AN ACT relating to fire fighting equipment; providing for the standardization of fire hose couplings, fittings, and other fire fighting equipment; and providing penalties.

*Be it enacted by the Legislature of the state of Washington:*

Section 1. All equipment for fire protection purposes, other than for forest fire fighting, purchased by state and municipal authorities, or any other authorities having charge of public property, shall be equipped with the standard threads designated as the national standard thread as adopted by the American Insurance Association and defined in its pamphlet No. 194, dated 1963: *Provided*, That this section shall not apply to steamer connections on fire hydrants.

Fire fighting equipment standardization. Standard threads.

Sec. 2. The standardization of existing fire protection equipment in this state shall be arranged for and carried out by or under the direction of the state fire marshal. He shall provide the appliances necessary for carrying on this work, shall proceed with such standardization as rapidly as possible, and shall require the completion of such work within a period of five years from the effective date of this

Administration by state fire marshal.

Standardization of fire fighting equipment.

act: *Provided*, That the state fire marshal may exempt special purpose fire equipment and existing fire protection equipment from standardization when it is established that such equipment is not essential to the coordination of public fire protection operations.

Conversion of equipment of industrial establishments and property.

Sec. 3. The state fire marshal shall notify industrial establishments and property owners having equipment, which may be necessary for fire department use in protecting the property or putting out fire, of any changes necessary to bring their equipment up to the requirements of the standard established by section 2 of this act, and shall render such assistance as may be available for converting substandard equipment to meet standard specifications and requirements.

Sale of non-standard equipment prohibited—Penalty—Exception.

Sec. 4. Any person who, without approval of the state fire marshal, sells or offers for sale in Washington any fire hose, fire engine or other equipment for fire protection purposes which is fitted or equipped with other than the standard thread is guilty of a misdemeanor: *Provided*, That fire equipment for special purposes, research, programs, forest fire fighting, or special features of fire protection equipment found appropriate for uniformity within a particular protection area may be specifically exempted from this requirement by order of the state fire marshal.

Severability.

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 February 10, 1967.

Passed the House March 4, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 153.

[Senate Bill No. 204.]

## MOTOR VEHICLE FUEL TAX.

AN ACT relating to the motor vehicle fuel tax; amending section 82.36.010, chapter 15, Laws of 1961 as amended by section 1, chapter 79, Laws of 1965 extraordinary session and RCW 82.36.010; amending section 82.36.090, chapter 15, Laws of 1961 as amended by section 4, chapter 79, Laws of 1965 extraordinary session and RCW 82.36.090; amending section 82.36.230, chapter 15, Laws of 1961 as amended by section 9, chapter 79, Laws of 1965 extraordinary session and RCW 82.36.230; amending section 82.36.270, chapter 15, Laws of 1961 and RCW 82.36.270; amending section 82.36.370, chapter 15, Laws of 1961 as amended by section 15, chapter 79, Laws of 1965 extraordinary session and RCW 82.36.370; amending section 82.36.400, chapter 15, Laws of 1961 and RCW 82.36.400; and prescribing penalties.

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

Section 1. Section 82.36.010, chapter 15, Laws of 1961 as amended by section 1, chapter 79, Laws of 1965 extraordinary session and RCW 82.36.010 are each amended to read as follows:

RCW 82.36.010  
amended.

For the purposes of this chapter:

Motor vehicle  
fuel tax.  
Definitions.

(1) "Motor vehicle" means every vehicle which is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable liquid, by whatsoever name such liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles, motorboats, or airplanes: *Provided*, That the term "motor vehicle fuel" shall not include products specifically prepared and sold, as determined by the

Motor vehicle  
fuel tax.  
Definitions.

director, for use in turbo prop or jet type aircraft engines;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of motor vehicles;

(6) "Director" means the director of motor vehicles;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used

in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway.

Sec. 2. Section 82.36.090, chapter 15, Laws of 1961 as amended by section 4, chapter 79, Laws of 1965 extraordinary session and RCW 82.36.090 are each amended to read as follows:

RCW 82.36.090  
amended.

Whenever a distributor ceases to engage in business as a distributor within the state by reason of the discontinuance, sale, or transfer of his business, he shall notify the director in writing at the time the discontinuance, sale, or transfer takes effect. Such notice shall give the date of discontinuance, and, in the event of a sale or transfer of the business, the date thereof and the name and address of the purchaser or transferee thereof. All taxes, penalties, and interest under this chapter, not yet due and payable, shall become due and payable concurrently with such discontinuance, sale, or transfer, and any such distributor shall make a report and pay all such taxes, interest, and penalties, and surrender to the director the license certificate theretofore issued to him.

Discontinu-  
ance or trans-  
fer of business  
—Notice.

If an overpayment of tax was made by the distributor, prior to the discontinuance or transfer of his business, such overpayment may be refunded to

such distributor or may be credited to the transferee of such business if such transferee qualifies as a distributor under the provisions of this chapter.

RCW 82.36.230 amended.

Sec. 3. Section 82.36.230, chapter 15, Laws of 1961 as amended by section 9, chapter 79, Laws of 1965 extraordinary session and RCW 82.36.230 are each amended to read as follows:

Motor vehicle fuel tax—Exemptions—Exemption export certificate—Records and examination.

The provisions of this chapter requiring the payment of taxes shall not apply to motor vehicle fuel imported into the state in interstate or foreign commerce and intended to be sold while they are in interstate or foreign commerce, nor to motor vehicle fuel, exported from this state by a qualified distributor, nor to sales by a distributor of motor vehicle fuel in individual quantities of five hundred gallons or less for export to another state or country by the purchaser other than in the supply tank of a motor vehicle: *Provided*, That such distributor is licensed in the state of destination to collect and remit the applicable destination state taxes thereon, nor to any motor vehicle fuel sold by a qualified distributor to the armed forces of the United States or to the national guard for use exclusively in ships or aircraft or for export from this state, nor to motor vehicle fuel for use exclusively in the operation of aircraft engines, delivered to aviation fuel dealers and/or users as authorized by the director. The distributor shall report such imports, exports and sales to the director as hereinafter provided and at such times, on such forms, and in such detail as he may require, otherwise the exemption granted in this section shall be null and void, and all fuel shall be considered distributed in this state fully subject to the provisions of this chapter. Each invoice covering such exempt sale shall have the statement "Ex Washington Motor Vehicle Fuel Tax" clearly marked thereon.

To claim any exemption from taxes under this section on account of the exportation of motor vehicle fuel by a distributor other than deliveries in his own equipment, such distributor shall execute an export certificate in such form as shall be furnished by the director, containing a statement, made by some person having actual knowledge of the fact of exportation, that the motor vehicle fuel has been exported from the state, and giving such details with reference to such shipment as the director may require. All export certificates must be completed and filed with the director within three months of the end of the calendar month in which the shipments to which they relate were made, unless the state, territory or country of destination would not be prejudiced with respect to its collection of taxes thereon if the certificate is not filed within such time. The director may, in cases where it is believed no useful purpose would be served by filing of an export certificate, waive the certificate: *Provided*, That the director for good cause shall have the right to rescind the previous authorization for waiver of the export certificate. Failure to file the certificate within the time required by this section shall not preclude the distributor from filing a claim for refund on motor vehicle fuel exported as provided in RCW 82.36.310 or otherwise in chapter 82.36 RCW, with such information as the director may require to support the validity of such claim.

To claim any exemption from taxes under this section on account of sales of motor vehicle fuel to the armed forces of the United States or to the national guard, the distributor shall be required to execute an exemption certificate in such form as shall be furnished by the director, containing a certified statement by an authorized officer of the armed forces having actual knowledge of the purpose for which the exemption is claimed. Any claim

Motor vehicle  
fuel tax—  
Exemptions  
—Exemption  
export certifi-  
cate—Records  
and examina-  
tion.

for exemption based on such sales shall be made by the distributor within six months of the date of sale. The provisions of this section exempting motor vehicle fuel sold to the armed forces of the United States or to the national guard from the tax imposed hereunder shall not apply to any motor vehicle fuel sold to contractors purchasing such fuel either for their own account or as the agents of the United States or the national guard for use in the performance of contracts with the armed forces of the United States or the national guard.

In support of any exemption from taxes on account of sales of motor vehicle fuel in individual quantities of five hundred gallons or less for export by the purchaser, the distributor shall retain in his files for at least three years an export certificate executed by the purchaser in such form and containing such information as shall be prescribed by the director. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it applies only if accepted by the distributor in good faith.

The director may at any time require of any distributor any information he deems necessary to determine the validity of the claimed exemption, and failure to supply such data will constitute a waiver of all right to the exemption claimed. The director is hereby empowered with full authority to promulgate rules and regulations and to prescribe forms to be used by distributors in reporting to the director so as to prevent evasion of the tax imposed by this chapter.

Upon request from the officials to whom are entrusted the enforcement of the motor fuel tax law of any other state, the District of Columbia, the United States, its territories and possessions, the provinces, or the Dominion of Canada, the director may forward to such officials any information which he may

have relative to the import or export of any motor vehicle fuel by any distributor: *Provided*, That such governmental unit furnish like information to this state.

Sec. 4. Section 82.36.270, chapter 15, Laws of 1961 and RCW 82.36.270 are each amended to read as follows:

RCW 82.36.270 amended.

Any person desiring to claim a refund shall obtain a permit from the director by application therefor on such form as he shall prescribe, which application shall contain, among other things, the name and address of the applicant, the nature of the business and a sufficient description for identification of the machines or equipment in which the motor vehicle fuel is to be used, for which refund may be claimed under the permit. The permit shall bear a permit number and all applications for refund shall bear the number of the permit under which it is claimed. The director shall keep a permanent record of all permits issued and a cumulative record of the amount of refund claimed and paid thereunder. Such permit shall be obtained before or at the time that the first application for refund is made under the provisions of this chapter. At the time of filing an application for a refund permit, the applicant shall pay to the director a permit fee of one dollar, which shall be deposited in the motor vehicle fund. All permits shall expire on the thirtieth day of November of every even-numbered year.

Refund permit.

Sec. 5. Section 82.36.370, chapter 15, Laws of 1961 as amended by section 15, chapter 79, Laws of 1965 extraordinary session and RCW 82.36.370 are each amended to read as follows:

RCW 82.36.370 amended.

(1) A refund shall be made in the manner provided in this chapter or a credit given allowing for the excise tax paid or accrued on all motor vehicle fuel which is lost or destroyed, while applicant shall

Refund for loss.

Refund for fuel destroyed by casualty, leakage.

be the owner thereof, through fire, lightning, flood, wind storm, or explosion.

(2) A refund shall be made in the manner provided in this chapter or a credit given allowing for the excise tax paid or accrued on all motor vehicle fuel of five hundred gallons or more which is lost or destroyed, while applicant shall be the owner thereof, through leakage or other casualty except evaporation, shrinkage or unknown causes: *Provided*, That the director shall be notified in writing as to the full circumstances surrounding such loss or destruction and the amount of the loss or destruction within thirty days from the day of discovery of such loss or destruction.

(3) Recovery for such loss or destruction under either subsection (1) or (2) must be susceptible to positive proof thereby enabling the director to conduct such investigation and require such information as he may deem necessary.

In the event that the director is not satisfied that the fuel was lost or destroyed as claimed, wherefore required information or proof as required hereunder is not sufficient to substantiate the accuracy of the claim, he may deem as sufficient cause the denial of all right relating to the refund or credit for the excise tax on motor vehicle fuel alleged to be lost or destroyed.

RCW 82.36.400 amended.

Sec. 6. Section 82.36.400, chapter 15, Laws of 1961 and RCW 82.36.400 are each amended to read as follows:

Offenses—Penalty.

It shall be unlawful for any person to commit any of the following acts:

(1) To display, or cause to permit to be displayed, or to have in possession, any motor vehicle fuel distributor's license knowing the same to be fictitious or to have been suspended, canceled, revoked, or altered;

(2) To lend to, or knowingly permit the use of, by one not entitled thereto, any motor vehicle fuel distributor's license issued to the person lending it or permitting it to be used;

(3) To display or to represent as one's own any motor vehicle fuel distributor's license not issued to the person displaying the same;

(4) To use a false or fictitious name or give a false or fictitious address in any application or form required under the provisions of this chapter, or otherwise commit a fraud in any application, record, or report;

(5) To refuse to permit the director, or any agent appointed by him in writing, to examine his books, records, papers, storage tanks, or other equipment pertaining to the use or sale and delivery of motor vehicle fuels within the state;

(6) To receive, purchase or otherwise acquire motor vehicle fuel free of the tax for use in the operation of aircraft engines and thereafter use or permit such fuel to be used for other purposes, or to sell or otherwise distribute such fuel for purposes other than use in aircraft engines.

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

Passed the Senate February 27, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 154.

[Substitute Senate Bill No. 74.]

DIKING AND DRAINAGE DISTRICTS—IMPROVEMENT DISTRICTS.

AN ACT relating to diking districts, drainage districts, diking and/or drainage improvement districts, improvement districts; and adding a new chapter to Title 85 RCW amending section 48, chapter 72, Laws of 1937 and RCW 86.09.142; amending section 87, chapter 72, Laws of 1937 and RCW 86.09.259; and amending section 100, chapter 72, Laws of 1937 and RCW 86.09.298.

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

New chapter to Title 85.

Section 1. There is added to Title 85 RCW a new chapter to consist of sections 2 through 4 of this act.

Diking, drainage, or improvement districts—Consolidation authorized.

Sec. 2. Any two or more diking districts, two or more drainage districts, or two or more diking and/or drainage improvement districts, heretofore organized or which may hereafter be organized pursuant to any of the laws of the state of Washington desiring to consolidate into one district may upon petition signed by the owners of real property representing a majority of the acreage therein to the governing body of the respective districts, or, in the alternative, by resolution of a majority of the members of the governing body of each district, effect such consolidation by the governing body of said district so desiring to consolidate, giving thirty days notice of an election for such purpose to be held in each of said districts, setting forth in said notice the date of said election and the object of the same, said notice to be given and posted as notice of the annual election of members of the governing body within said district, and if no provision is made for the giving of such notice, then as provided in the general diking law, and then publication of the same for at least three successive issues in a weekly newspa-

per published in the county in which such districts are located and of general circulation in said districts: *Provided*, That where there is no newspaper so published or circulated, then publication of the notice of said election may be dispensed with.

Nothing contained herein shall be construed to limit or interfere with the existing power or authority presently held by any of said districts to consolidate one with another.

Implementation of a consolidation pursuant hereto and future repair, improvement or maintenance of any district system may be as provided for consolidated diking districts in RCW 85.05.570 et seq. through RCW 85.05.600 and such provisions thereof as can be made applicable shall fully apply to consolidation of any districts therein provided for.

Sec. 3. In the exercise of their management and duties, the governing body of any diking district, drainage district, diking and/or drainage improvement district or other improvement district organized pursuant to the laws of this state shall hereafter be authorized to enter into contracts concerning service or other proper district business with any other such diking district, drainage district, diking and/or drainage improvement district, or other improvement district. Nothing contained herein shall be construed to limit or otherwise interfere with the powers or authority now held by any of said districts.

Administration  
of consolidated  
districts.  
Contracts.

Sec. 4. For the purpose of proportionately assessing the benefits of any project constructed, maintained, or operated by any diking district or drainage district, benefit assessments proportioned in a direct relationship to the assessed valuation as last equalized for general tax purposes of the lands benefited shall be deemed prima facie to be fair and

Proportional  
assessments.

Improvement districts.

correct valuations against which annual millage shall be levied.

Construction of act.

Sec. 5. The provisions of this act are cumulative with and shall not amend, repeal or supersede any other powers heretofore or hereafter granted such districts.

RCW 86.09.142 amended.

Sec. 6. Section 48, chapter 72, Laws of 1937 and RCW 86.09.142 are each amended to read as follows:

Directors, number—Consolidated districts, directors, number.

Upon the creation of the district as aforesaid, the state director shall have authority, and it shall be his duty, to appoint three qualified electors of the district to act as the first directors therefor: *Provided*, That when a new district is created by consolidation pursuant to the provisions of this 1967 amendatory act, the director shall appoint five qualified electors of the district to act as the first directors thereof.

RCW 86.09.250 amended.

Sec. 7. Section 87, chapter 72, Laws of 1937 and RCW 86.09.259 are each amended to read as follows:

Flood control directors—Consolidated districts.

Flood control districts shall be managed by a board of directors consisting of three members: *Provided*, That when a new district is created by consolidation pursuant to the provisions of this 1967 amendatory act, there shall be five directors. The directors shall organize as a board each year, after any new members have qualified and shall elect a chairman from their number and appoint a secretary to hold office at its pleasure and who shall keep a record of its proceedings.

RCW 86.09.298 amended.

Sec. 8. Section 100, chapter 72, Laws of 1937 and RCW 86.09.298 are each amended to read as follows:

First district election.

At the first annual district election, the terms of the office of director shall be one, two and three years. At said election candidates shall be elected for each of said terms of office. One candidate shall be elected to serve for one, two, and three years

respectively: *Provided*, That when a new district is created by consolidation pursuant to the provisions of this 1967 amendatory act, one candidate shall be elected to serve for one year, two candidates shall be elected to serve for two years, and two candidates shall be elected to serve for three years respectively.

Passed the Senate March 8, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 155.

[Senate Bill No. 184.]

LIENS—TOWING AND STORAGE OF VEHICLES.

AN ACT relating to liens; and authorizing a lien for towing and storage of vehicles.

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

Section 1. Every person, firm or corporation engaged in the business of towing motor vehicles who shall make an advance or advances for the towing, transportation or storage of any motor vehicle whether by contract or at the direction of any public officer, shall have a lien upon such vehicle so long as the same remains in his possession, for the charges for such towing, transportation or storage. It shall be lawful for such person, firm or corporation to cause such motor vehicle to be sold as herein provided.

Liens—Towing and storage of vehicles—Creation.

Sec. 2. If such motor vehicle upon which charges may be due and unpaid shall have remained uncalled for in storage for a period of fifteen days after such charges shall have become due, such motor vehicle may be sold by the person, firm or corpora-

Sale to enforce lien—Notice.

Towing and  
storage of ve-  
hicles—Liens.

tion having a lien for the payment of such charges upon giving twenty days' notice of such sale. Such notice shall be placed in the hands of the sheriff or other proper officer, and shall be personally served on the registered owner and legal owner of the motor vehicle, in the same manner as is provided by law for the service of a summons: *Provided*, That if the registered or legal owner cannot be found in the county where the vehicle was impounded personal notice of the sale shall be forwarded to the registered or legal owner at his address, by certified mail, return receipt requested. Said notice must contain a description of the vehicle including its license number and motor number together with time and place of sale and a statement of the amount due.

Sale proceeds,  
priority.

Sec. 3. The moneys arising from any sale made pursuant to the provisions of this act shall first be applied to the payment of the costs and expenses of the sale, and then to the payment of the lawful charges of the person, firm or corporation having a lien upon the motor vehicle for advances for towing, transportation or storage. Any surplus remaining shall be retained by the state treasurer pursuant to RCW 63.28.240 for the benefit of, and ultimate distribution to, the apparent owner of the motor vehicle, or to any lien holder who may be entitled to such remainder. A purchaser in good faith of goods sold to enforce a lien for towing and storage takes the goods free of any rights of prior lien holders.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 156.

[Senate Bill No. 234.]

PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies; repealing section 80.04.340, chapter 14, Laws of 1961 and RCW 80.04.340; and repealing section 81.04.340, chapter 14, Laws of 1961 and RCW 81.04.340.

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

Section 1. The following acts or parts thereof are each hereby repealed:

Public service companies—  
Dividends—  
Repeal.

- (1) Section 80.04.340, chapter 14, Laws of 1961;
  - (2) Section 81.04.340, chapter 14, Laws of 1961;
- and
- (3) RCW 80.04.340 and 81.04.340.

Passed the Senate February 22, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 157.

[Senate Bill No. 366.]

MOBILE HOMES—TRAILERS—SAFETY AND EQUIPMENT.

AN ACT relating to mobile homes and travel trailers; providing for the promulgation of rules and regulations governing safety and the installation of certain equipment therein; and adding new sections to chapter 8, Laws of 1965 and to chapter 43.22 RCW.

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

Section 1. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

New section.

The director of labor and industries shall prescribe and enforce rules and regulations governing safety and the installation of plumbing, heating, and

Mobile homes and trailers—Safety equipment. Rules and regulations governing safety by director of labor and industry—Compliance required.

electrical equipment in mobile homes and/or travel trailers. Such rules and regulations shall be reasonably consistent with recognized and accepted principles of safety and for plumbing, heating, and electrical installations, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe plumbing, heating, electrical, and other equipment and shall correlate with and, so far as practicable, conform to the then current standards and specifications of the American Standards Association standards A119.1 for mobile homes and A119.2 for travel trailers. It shall be unlawful for any person to sell or offer for sale, within this state, any mobile homes and/or travel trailers, manufactured after January 1, 1968, containing plumbing, heating, electrical, or other equipment, unless such equipment meets the requirements of the rules and regulations provided for herein.

New section.

Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

Compliance insignia—Fee schedule—Out-of-state sales.

(1) In compliance with any applicable provisions of this chapter, the director of the department of labor and industries shall establish a schedule of fees, whether on the basis of plan approval or inspection, for the issuance of an insignia which indicates that the mobile home and/or travel trailer complies with the provisions of this act.

(2) Insignia are not required on mobile homes and/or travel trailers manufactured within this state for sale outside this state which are sold to persons outside this state.

New section.

Sec. 3. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

Plans and specifications of each model or production prototype of a mobile home and/or travel trailer showing plumbing, heating and electrical specifications and data shall be submitted to the department of labor and industries for approval and recommendations with respect to compliance with the regulations and standards of each of such agencies. When plans have been submitted and approved as aforesaid, no changes or alterations shall be made to plumbing, heating or electrical installations or specifications shown thereon in any trailer or camping vehicle without prior written approval of the department of labor and industries.

Plans and specifications—  
Submission—  
Approval.

Sec. 4. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

New section

Any mobile home and/or travel trailer sold in Washington and manufactured prior to July 1, 1968, which has not been inspected prior to its sale and which does not meet the requirements prescribed will not be required to comply with said requirements except for alterations or installations referred to in section 3.

Effect.

Sec. 5. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

New section

Used mobile homes and/or travel trailers manufactured for use outside this state which do not meet the requirements prescribed and have been used for six months or more will not be required to comply with said requirements except for alterations or installations referred to in section 3.

Exceptions.

Sec. 6. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

New section.

Mobile homes and/or travel trailers subject to the provisions of this act, and mobile homes and/or

Mobile homes safety—Insig-  
nia of ap-  
proval.

travel trailers upon which alterations or installa-  
tions of plumbing, heating or electrical equipment  
referred to in section 3 are made after July 1, 1968,  
shall have affixed thereto such insigne of approval.

New section.

Sec. 7. There is added to chapter 8, Laws of 1965  
and to chapter 43.22 RCW a new section to read as  
follows:

Meeting  
standards of  
other states.

If the director of the department of labor and  
industries determines that the standards for the  
plumbing, heating and electrical equipment installed  
in mobile homes by the statutes or rules and regula-  
tions of other states are at least equal to the stand-  
ards prescribed by this state, he may so provide by  
regulation. Any mobile home which a state listed in  
such regulations has approved as meeting its stand-  
ards for plumbing, heating and electrical equipment  
shall be deemed to meet the standards of the direc-  
tor of the department of labor and industries, if he  
determines that the standards of such state are ac-  
tually being enforced.

New section.

Sec. 8. There is added to chapter 8, Laws of 1965  
and to chapter 43.22 RCW a new section to read as  
follows:

State preempts  
field.

Any mobile home and/or travel trailer that  
meets the requirements prescribed under section 1  
of this act shall not be required to comply with any  
ordinances of a city or county prescribing require-  
ments for plumbing, heating and electrical equip-  
ment installed in mobile homes.

Passed the Senate March 2, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 158.

[Substitute Senate Bill No. 308.]

## STATE BOARD OF EDUCATION—SUPERINTENDENT OF PUBLIC INSTRUCTION.

AN ACT relating to education; amending section 3, chapter 258, Laws of 1947 as amended by section 4, chapter 218, Laws of 1955 and RCW 28.04.060; amending section 2, page 235, Laws of 1909 and RCW 28.04.090; amending section 4, page 234, Laws of 1909 and RCW 28.03.020; amending section 3, page 231, Laws of 1909 and RCW 28.03.030; and repealing section 4, chapter 89, Laws of 1919 and RCW 28.05.042.

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

Section 1. Section 3, chapter 258, Laws of 1947 as amended by section 4, chapter 218, Laws of 1955 and RCW 28.04.060 are each amended to read as follows:

RCW 28.04.060 amended.

Each member of the state board of education shall be elected by a majority of the electoral points accruing from all the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October following the call of the election. The superintendent of public instruction and an election board comprised of three persons appointed by the state board of education shall count and tally the votes and the electoral points accruing therefrom not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director shall be accorded as many electoral points as there are enrolled students in that director's school district on the last day for filing declarations of candidacy under RCW 28.04.040; the electoral points shall then be tallied for each candidate as the votes are counted; and it shall be the majority of electoral points which determines the winning candidate. If no candidate receives a majority of the possible

State board of education—  
Election procedure.

State board of  
education—  
Election pro-  
cedure.

electoral points, then, not later than the first day of November, the superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of electoral points accruing from such votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of electoral points accruing from the votes at any such second election shall be declared elected. Within ten days following the count of votes in an election at which a member of the state board of education is elected, the superintendent of public instruction shall certify to the secretary of state the name or names of the persons elected to be members of the state board of education.

RCW 28.04.090  
amended.

Sec. 2. Section 2, page 235, Laws of 1909 and RCW 28.04.090 are each amended to read as follows:

Ex officio pres-  
ident and chief  
executive offi-  
cer of the  
board.

The superintendent of public instruction shall be ex officio president and the chief executive officer of the board, and shall furnish all necessary record books and blanks for its use, and shall represent the board in directing the work of high school inspection.

RCW 28.03.020  
amended.

Sec. 3. Section 4, page 234, Laws of 1909 and RCW 28.03.020 are each amended to read as follows:

Superintend-  
ent of public  
instruction—  
Assistants,  
deputy, subor-  
dinate.

The superintendent of public instruction may appoint assistant superintendents of public instruction, a deputy superintendent of public instruction, and may employ such other assistants and clerical help as are necessary to carry out the duties of the superintendent and the state board of education. The assistant superintendents, deputy superintendent, and such other officers and employees as are exempted

from the provisions of chapter 41.06 RCW, shall serve at the pleasure of the superintendent.

Sec. 4. Section 3, page 231, Laws of 1909 and RCW 28.03.030 are each amended to read as follows:

The powers and duties of the superintendent of public instruction shall be:

RCW 28.03.030 amended.  
Superintendent of public instruction. Powers and duties.

(1) To have supervision over all matters pertaining to the public schools of the state.

(2) To report biennially to the governor on or before the first day of November preceding the regular session of the legislature, of which report five thousand copies shall be printed and delivered to the superintendent of public instruction, who shall furnish one copy to be deposited in the state library, one copy to each county superintendent of schools and one copy to each district library. Said report shall contain a statement of the general condition of the public schools of the state, with full statistical tables by counties showing the number of schools and the attendance, the state and county funds apportioned, amount received from special tax and from other sources, amount expended for salaries of teachers, the salaries paid by the several counties to the county superintendent of schools and the amount paid for incidentals and expenses; the amount paid for building and providing school houses with furniture and apparatus, the amount of bonded and other school indebtedness, with the rate of interest paid thereon, the reports of all state educational institutions, or such portions of them as he may think advisable, together with such other facts as he may deem of general interest. He shall also include in his report a statement of plans for the management and improvement of the schools.

(3) To prepare and have printed such blanks, forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of teachers,

Superintendent of public instruction. Powers and duties.

and such other blanks and books as may be necessary for the discharge of the duties of teachers and officers charged with the administration of the laws relating to the common schools, and to distribute the same to the county superintendents.

(4) To travel, without neglecting his other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting county superintendents or other school officers.

(5) To submit to the state auditor a monthly statement of his expenditures for traveling expenses.

(6) To cause to be printed with an appendix of appropriate forms and instructions for carrying into execution the laws relating to public schools, and to distribute to each county superintendent a sufficient number of copies to supply each district officer, and to cause the same to be printed and distributed as often as any change in the laws shall make it of sufficient importance, in his opinion, to justify the same.

(7) To act as ex officio president and the chief executive officer of the state board of education.

(8) To hold, annually, a convention of the county superintendents of the state at such time and place as he may deem convenient, for the discussion of questions pertaining to supervision and the administration of the school laws and such other subjects affecting the welfare and interests of the common schools as may be brought before it. Said convention shall continue in session not less than two days nor more than three days at the option of the superintendent of public instruction. It shall be the duty of every county superintendent in this state to attend said convention during its entire session, and any county superintendent who attends the conven-

tion shall receive actual traveling expenses in attending said convention.

(9) He shall file all papers, reports and public documents transmitted to him by the school officers of the several counties of the state, each year separately. Copies of all papers filed in his office, and his official acts, may be certified by him and attested by his official seal, and when so certified shall be evidence equally and in like manner as the original paper.

(10) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report of such facts arranged in such form as he may prescribe, and he shall furnish blanks for such reports; and it is hereby made the duty of every president, manager or principal, to fill up and return such blanks within such time as the superintendent of public instruction shall direct.

(11) To keep in his office a directory of all boards of regents and trustees of state educational institutions, of the faculties of said institutions, and of all teachers receiving certificates to teach in the common schools of this state.

(12) To issue certificates as provided by law.

(13) To keep in his office at the capital of the state, all books and papers pertaining to the business of his office, and to keep and preserve in his office a complete record of statistics, and all matters pertaining to the educational interest of the state, as well as a record of the meetings of the state board of education.

(14) To decide all points of law which may be submitted to him in writing by any county superintendent, or that may be submitted to him by any other person, upon appeal from the decision of any county superintendent; and he shall publish his rulings and decisions from time to time for the infor-

Superintendent of public instruction. Powers and duties.

mation of school officers and teachers; and his decision shall be final unless set aside by a court of competent jurisdiction.

(15) To administer oaths and affirmations in the discharge of his official duties.

(16) To deliver over to his successor, at the expiration of his term of office, all records, books, maps, documents and papers of whatever kind belonging to his office or which may have been received by him for the use of his office.

(17) To prepare and from time to time to revise a state manual of Washington, which shall be sold at actual cost of publication and distribution, said manual to contain a sketch of the history of the state, an outline of the Constitution of the state, excerpts from the school code, the courses of study and rules for the general government of the common schools, a map of the state, and a map of the topography of the state, and such other matter as the state superintendent or the state board of education from time to time shall determine.

(18) To make certified copies of papers filed in his office attested by his official seal.

(19) To perform such other duties as may be required by law.

Repeal.

Sec. 5. Section 4, chapter 89, Laws of 1919 and RCW 28.05.042 are each hereby repealed.

Severability.

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 2, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 159.

[Substitute Senate Bill No. 283.]

PUD'S, CITIES, ELECTRICAL COMPANIES—COOPERATION—NUCLEAR FACILITIES.

AN ACT relating to public utilities; and authorizing certain public utility districts and cities of the first class to participate with each other and with regulated electrical companies in the planning, financing, acquisition, construction, ownership, operation and maintenance of nuclear and other thermal power plants and related transmission facilities.

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

Section 1. It is declared to be in the public interest and for a public purpose that cities of the first class, public utility districts and regulated electrical companies be permitted to participate together in the development of nuclear and other thermal power facilities as hereinafter provided as one means of achieving economies of scale and thereby promoting the economic development of the state and its natural resources to meet the future power needs of the state and all its inhabitants.

Public utility companies, cities and electrical companies—Development of nuclear energy power facilities.

Sec. 2. In addition to the powers heretofore conferred upon cities of the first class and public utility districts organized under chapter 54.04 RCW, any such cities and public utility districts which operate electric generating facilities or distribution systems shall have power and authority to participate and enter into agreements with each other and with electrical companies which are subject to the jurisdiction of the Washington utilities and transportation commission or the public utility commissioner of Oregon, hereinafter called "regulated utilities", for the undivided ownership of nuclear and other thermal power generating plants and facilities, and related transmission facilities, hereinafter called "common facilities", and for the planning, financing,

Additional authorities—Financing—Taxes.

Development of nuclear energy power facilities.

acquisition, construction, operation and maintenance thereof. It shall be provided in such agreements that each city or public utility district shall own a percentage of any common facility equal to the percentage of the money furnished or the value of property supplied by it for the acquisition and construction thereof and shall own and control a like percentage of the electrical output thereof.

Each participant shall defray its own interest and other payments required to be made or deposited in connection with any financing undertaken by it to pay its percentage of the money furnished or value of property supplied by it for the planning, acquisition and construction of any common facility, or any additions or betterments thereto. The agreement shall provide a uniform method of determining and allocating operation and maintenance expenses of the common facility.

Each city, public utility district and regulated utility participating in the ownership or operation of a common facility shall pay all taxes chargeable to its share of the common facility and the electric energy generated thereby under applicable statutes as now or hereafter in effect.

Liability severable not joint—Separating financial responsibility.

Sec. 3. In carrying out the powers granted in this act, each such city or public utility district shall be severally liable only for its own acts and not jointly or severally liable for the acts, omissions or obligations of others. No money or property supplied by any such city or public utility district for the planning, financing, acquisition, construction, operation or maintenance of any common facility shall be credited or otherwise applied to the account of any other participant therein, nor shall the undivided share of any city or public utility district in any common facility be charged, directly or indirectly, with any debt or obligation of any other participant or be subject to any lien as a result thereof. No

action in connection with a common facility shall be binding upon any public utility district or city unless authorized or approved by resolution or ordinance of its governing body.

Sec. 4. Any such city or public utility district participating in common facilities under this act, without an election, may furnish money and provide property, both real and personal, issue and sell revenue bonds pledging revenues of its electric system and its interest or share of the revenues derived from the common facilities and any additions and betterments thereto in order to pay its respective share of the costs of the planning, financing, acquisition and construction thereof. Such bonds shall be issued under the provisions of applicable laws authorizing the issuance of revenue bonds for the acquisition and construction of electric public utility properties by cities or public utility districts, as the case may be. All moneys paid or property supplied by any such city or public utility district for the purpose of carrying out the powers conferred herein are declared to be for a public purpose.

Financing—  
Revenue  
bonds.

Sec. 5. All moneys belonging to cities and public utility districts in connection with common facilities shall be deposited in such depositories as qualify for the deposit of public funds and shall be accounted for and disbursed in accordance with applicable law.

Depositories  
for common  
funds.

Sec. 6. Any agreement with respect to work to be done or material furnished by any such city or public utility district in connection with the construction, maintenance and operation of the common facilities, and any additions and betterments thereto shall be in conformity, as near as may be, with applicable laws now or hereafter in effect relating to public utility districts or cities of the first class.

Public works  
laws appli-  
cable.

Sec. 7. The provisions of this act shall be liberally construed to effectuate the purposes thereof.

Liberal con-  
struction.

This act shall not be construed to affect any existing act or part thereof relating to the construction, operation or maintenance of any public utility.

Severability.

Sec. 8. If any provisions of this act or its application to any person or circumstance shall be held invalid or unconstitutional, the remainder of this act or its application to other persons or circumstances shall not be affected.

Passed the Senate February 21, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 160.

[Senate Bill No. 69.]

PUBLIC PENSION COMMISSION—VOLUNTEER FIREMEN'S FUND.

AN ACT relating to retirement and pensions; amending section 3, chapter 261, Laws of 1945 as last amended by section 1, chapter 116, Laws of 1957 and RCW 41.24.030; adding a new section to chapter 17, Laws of 1963 extraordinary session and to chapter 41.52 RCW.

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

New section.

Section 1. There is added to chapter 17, Laws of 1963 extraordinary session and to chapter 41.52 RCW a new section to read as follows:

Public Pension Commission. Investment counsel.

The state public pension commission shall employ on a contractual basis a qualified investment counsel. Such counsel shall be a business organization having experience in securities analyses and investment counseling for both private and public pension funds on a national basis for a minimum of three consecutive years during the five years immediately prior to employment by the commission. The counsel shall not be engaged in the busi-

ness of buying, selling or otherwise marketing securities during the time of its employment by the commission.

The securities counsel shall make periodic examinations of the transactions and portfolio of each public pension system in the state. The administrator of each pension system shall cooperate with and make its records available to the counsel. The counsel shall file a copy of its examination report with the public pension system examined and also with the public pension commission. The public pension commission shall include in its biennial report to the legislature a summarization of all such examination reports. The securities counsel shall be available on request of the board of trustees of any public retirement system in the state of Washington for investment counseling pertaining to any or all proposed changes in the investment portfolio of that system.

Sec. 2. Section 3, chapter 261, Laws of 1945, as last amended by section 1, chapter 116, Laws of 1957, and RCW 41.24.030 are each amended to read as follows:

RCW 41.24.030  
amended.

There is created in the state treasury a trust fund for the benefit of the firemen of the state covered by this chapter, which shall be designated the volunteer firemen's relief and pension fund and shall consist of:

Volunteer fire-  
men's relief  
and pension  
fund—Source  
—Investment.

(1) All bequests, fees, gifts, emoluments, or donations given or paid to the fund.

(2) An annual fee for each member of its fire department to be paid by each municipal corporation for the purpose of affording the members of its fire department with protection from death or disability as herein provided as follows:

(a) three dollars for each volunteer or part-paid member of its fire department;

Volunteer fire-  
men's relief  
and pension  
fund—Source  
—Investment.

(b) a sum equal to one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department.

(3) Where a municipal corporation has elected to make available to the members of its fire department the retirement provisions as herein provided, an annual fee of twenty-two dollars for each of its firemen electing to enroll therein, ten dollars of which shall be paid by the municipality and twelve dollars of which shall be paid by the fireman.

(4) Forty percent of all moneys received by the state from its tax on fire insurance premiums shall be paid into the state treasury and credited to the fund.

(5) The state finance committee, upon request of the state treasurer shall invest such portion of the amounts credited to the fund as is not, in the judgment of the treasurer, required to meet current withdrawals. Such investments may be made in such bonds, notes or other obligations now or hereafter authorized as an investment for the funds of the state employees' retirement system.

(6) All bonds or other obligations purchased according to subdivision (5) shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state finance committee may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest and proceeds from the sale and redemption of any bonds or other obligations held by the fund shall be credited to and form a part of the fund.

All amounts credited to the fund shall be available for making the payments required by this chapter.

The state treasurer shall make an annual report showing the condition of the fund.

Passed the Senate March 8, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 161.

[Senate Bill No. 311.]

### PUD COMMISSIONERS—COMPENSATION.

AN ACT relating to public utility districts and the compensation and expenses of commissioners thereof; and amending section 4, chapter 207, Laws of 1951, as last amended by section 2, chapter 140, Laws of 1957, and RCW 54.12.080.

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

Section 1. Section 4, chapter 207, Laws of 1951, as last amended by section 2, chapter 140, Laws of 1957, and RCW 54.12.080 are each amended to read as follows:

District commissioners shall serve without compensation, except that a district may provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding twenty-five dollars for each day or major part thereof devoted to the business of the district, and days upon which he attends meetings of the commission of his own district or meetings attended by one or more commissioners of two or more districts called to consider business common to them: *Provided*, That the total of such per diem compensation paid to such commissioner during any one year shall not exceed three thousand five hundred dollars: *Provided, further*, That any district may provide by resolution for the additional payment of a

RCW 54.12.080 amended.

Public utility district commissioners—Compensation—Limitation.

salary to each of its commissioners not exceeding one hundred fifty dollars per month. Also, any district providing group insurance for its employees, covering them, their immediate family and dependents, may provide insurance for its commissioners with the same coverage: *Provided, further,* That commissioners may not be compensated for services performed of ministerial or professional nature. Each commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his subsistence and lodging and travel while away from his place of residence.

Passed the Senate March 7, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 162.

[Senate Bill No. 371.]

STATE BUILDING AUTHORITY.

AN ACT relating to a state building authority; and repealing sections 43.76.010 through 43.76.930, chapter 8, Laws of 1965 and RCW 43.76.010 through 43.76.930.

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

Washington  
state building  
authority. Cre-  
ation.

Section 1. There is created the Washington state building authority as a body corporate and politic. The authority shall consist of the governor, state treasurer, and lieutenant governor.

Definitions.

Sec. 2. The following terms, when used in this act, shall have the following meanings:

(1) "Authority" means the state building authority.

(2) "Institution of higher learning" means any one of the following: University of Washington,

Washington State University, Western Washington State College, Eastern Washington State College, Central Washington State College, or any four-year state college that may be hereafter established.

(3) "Governing body" shall mean the board of regents of the University of Washington, the board of regents of Washington State University, or the board of trustees of any of the state colleges.

(4) "Project" shall mean a single undertaking by the authority to provide one or more buildings.

(5) "Buildings" shall include structures together with improvements on appurtenant adjacent land for the enhancement of the utility or value thereof.

Sec. 3. The authority may contract with any of the institutions of higher learning to lease from any such institution land owned by such institution or may acquire land for the purpose of erecting thereon a building or buildings as requested by the governing body of any such institution of higher learning when such building or buildings shall be specifically approved by the legislature. Such building or buildings, when erected, together with the land upon which they shall be built, shall be leased or released by the authority to the appropriate institution of higher learning for a term of years not to exceed seventy-five, at reasonable rental rates.

Sec. 4. The respective institutions of higher learning are authorized to enter into leases as herein provided. Each lease shall provide for the buildings erected by the authority and the land upon which they are erected to become or remain the sole property of the institution of higher learning upon termination of the lease.

Sec. 5. The authority shall delegate responsibility for the design and construction of any project to the institution concerned with respect to construction at

State building  
authority.

state universities and to the department of general administration with respect to construction at the state colleges. No building shall be constructed unless the design thereof shall first have been approved by the governing body of the institution concerned.

Rental rates.

Sec. 6. Rental rates shall be set by the authority in an amount which, during the term of each lease, shall yield sufficient revenue to repay the authority for the cost of construction and all expenditures, including overhead, which may be made by the authority in connection with any such building or the financing thereof including interest and bond service charges upon the money required for providing any such building. In determining the amount of the rent, the authority shall seek to avoid the making of any profit but may fix the rental at such figure as shall afford reasonable protection to the authority from losses from unpredictable causes.

Rates—Costs—  
Right to purchase.

Sec. 7. Upon the completion of construction of each building, the authority shall make a determination of the cost thereof and the amount required to reimburse the authority for its expenditures in connection therewith. The institution of higher learning concerned shall have the right to purchase the interest of the authority in any building and land pertaining thereto at any time and to terminate the lease thereon by paying to the authority the amount so determined reduced by the proportion that the number of months for which rent shall have been paid in the rental term shall bear to the total number of months in the term.

Excess returns  
—Expenses of  
authority.

Sec. 8. Should the authority, at the termination of any lease, have on hand funds derived from such lease in excess of the authority's expenditures in connection with the project, the authority shall pay such excess to the fund or funds from which the

rental had been paid. Office and travel expenses of the authority and salaries and wages of its employees shall be budgeted and paid from appropriations of state funds, but the authority shall allocate to each project a proportion of such costs as overhead which shall be recovered on a current basis and deposited in the fund from which overhead expenditures have been made. In determining whether excess funds remain at the conclusion of any lease, any unrecovered overhead allocated to the project shall first be reimbursed.

Sec. 9. The authority shall have all powers appropriate to carrying out its functions as outlined in this act. These powers shall include but shall not be limited to the establishment of an office, the employment of personnel, the letting of contracts for the design and construction of buildings as provided in section 43.19.450 RCW, the obtaining of insurance, the borrowing of money, the issuance of bonds or other evidences of indebtedness, and the pledging of its income as security for borrowed money or the mortgaging of its leaseholds for that purpose.

Powers and duties.

Sec. 10. The state treasurer shall be ex officio treasurer of the authority and all funds of the authority from whatever source derived shall be deposited with and held by him but such money, except appropriated funds, shall never be commingled with funds in the state treasury nor deemed to be a part of the general funds of the state.

Treasurer of authority.

Sec. 11. Any bonds which shall be issued by the authority shall be in the name of the authority and shall constitute obligations only of the authority. They shall recite upon the face thereof that neither the payment of the principal nor any part thereof or of the interest shall constitute a debt or obligation of the state of Washington but shall be chargeable

Bonds not obligation of state.

exclusively to the authority and whatever security the authority shall provide.

State building  
authority—  
Bonds.

Sec. 12. The authority shall determine the form, conditions, and denominations of the bonds, the maturity dates which the bonds shall bear and the interest rates thereon. The authority 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 in such manner as the authority shall specify in its resolution. Bonds shall be negotiable instruments and shall be sold on sealed bids to the highest bidder after such advertising for bids as the authority deems proper. The authority may reject any and all bids and may thereafter sell 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 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 act 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 may be issued and delivered until bonds are executed and available for delivery.

Bond proceeds.  
Surplus  
moneys.

Sec. 13. The proceeds from the sale of bonds shall be disbursed solely for the completion of the project for which they are sold and the payment of interest on such bonds during the period until revenues shall be derived from the project sufficient to meet interest accruals. Moneys derived from the

sale of bonds, not immediately required for current expenditure, may be invested in bonds or obligations of a nature eligible for the investment of surplus state moneys.

Sec. 14. The authority may agree with the purchaser of the bonds upon any conditions or limitations restricting the disbursement of such funds as may be deemed advisable for the purpose of assuring the proper application of such funds. Any surplus from the proceeds of the bond sales above the amounts required for the purposes of the project shall be used for bond retirement.

Agreements  
with bond-  
holders.

Sec. 15. The bonds herein authorized shall be legal investment for all state funds not otherwise restricted by the Constitution of the state of Washington or for funds under state control not otherwise restricted and for all funds of municipal corporations. They shall be legal security for all state, county, and municipal deposits and shall constitute legal investments for all banks, savings and loan institutions and insurance companies doing business in this state.

Bonds—Legal  
investment for  
state funds.

Sec. 16. The authority may, as security for bonds or funds otherwise borrowed, pledge its rental revenues or mortgage its leaseholds. In the event of default, any such pledge or mortgage may be foreclosed by action brought in the superior court for Thurston county or the obligations of the authority may be enforced by mandamus or other appropriate action. In such foreclosure, the obligee may upon establishment of a default be entitled to the appointment of a receiver to take charge of the mortgaged property or to collect the pledged rental or revenues the same as the authority might do pending completion of foreclosure.

Revenue bonds  
—Default.

Sec. 17. The legislature may, by direct appropriation or by allocating other sources of revenue, pro-

State building  
authority—  
Bonds—Addi-  
tional sources  
of funds.

vide additional means for the payment of the bonds authorized herein or for the payment of all or part of the cost of a project or projects, and this act shall not be deemed the exclusive method for such payment; but this section shall be permissive only and not mandatory and the power granted herein shall not constitute a pledge of the faith and credit of the state nor of any of its institutions of higher learning, agencies, departments, or instrumentalities.

State agree-  
ment for pro-  
tection of  
bondholders.

Sec. 18. The state of Washington pledges to and agrees with any person, firm, or corporation or federal agency lending money or subscribing to or acquiring bonds to be issued by the authority for the financing of the construction of any project or for refunding purposes that the state of Washington will not limit or restrict any provision for the security and protection of lenders or bondholders contained in this act until all loans made or bonds issued by the authority, together with the interest thereon, are fully paid and discharged.

Repeal.

Sec. 19. Sections 43.76.010 through 43.76.930, chapter 8, Laws of 1965, and RCW 43.76.010 through 43.76.930 are each repealed.

Effective date.

Sec. 20. This act shall become effective coincident with the effective date of a constitutional amendment specifically authorizing the establishment of a state building authority with the powers to carry out the provisions of this act. Unless such constitutional amendment shall be approved by the people at the next general election, this act shall be null and void.

Passed the Senate February 17, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 163.

[Senate Bill No. 88.]

## ALIENS—LAND OWNERSHIP.

AN ACT relating to the ownership of land; amending section 1, chapter 111, Laws of 1895 and RCW 64.16.140; amending section 22, chapter 255, Laws of 1927 as amended by section 3, chapter 257, Laws of 1959, and RCW 79.01.088; amending section 143, chapter 255, Laws of 1927 and RCW 79.01.572; amending section 1, chapter 131, Laws of 1955 and RCW 79.14.010; adding a new section to chapter 64.16 RCW; repealing section 1, chapter 50, Laws of 1921 as last amended by section 1, chapter 255, Laws of 1955, and RCW 64.16.010; repealing sections 2, 3, 5, 6, 7 and 9, chapter 50, Laws of 1921 and RCW 64.16.020, 64.16.030, 64.16.070, 64.16.090, 64.16.100 and 64.16.120; repealing section 11, chapter 50, Laws of 1921 [uncodified]; repealing section 4, chapter 50, Laws of 1921 as amended by section 1, chapter 111, Laws of 1933 and RCW 64.16.080; repealing section 8, chapter 50, Laws of 1921 as amended by section 4, chapter 220, Laws of 1937 and RCW 64.16.110; repealing section 10, chapter 50, Laws of 1921 as amended by section 1, chapter 11, Laws of 1953 and RCW 64.16.130; repealing section 2, chapter 10, Laws of 1953 [uncodified]; repealing sections 1 and 2, chapter 70, Laws of 1923 and RCW 64.16.040 and 64.16.050; repealing section 2, chapter 220, Laws of 1937 and RCW 64.16.060; repealing section 5, chapter 220, Laws of 1937 [uncodified]; repealing section 1, chapter 9, Laws of 1953 and RCW 64.16.150; repealing section 1, chapter 56, Laws of 1965 and RCW 79.01.614 [uncodified]; and declaring an emergency.

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

Section 1. This act is adopted by the legislature to implement amendment 42 to the state Constitution approved by the voters of the state on November 8, 1966. Amendment 42 removed constitutional restrictions against alien ownership of land by repealing Article II, section 33 of the state Constitution, as amended and Amendments 24 and 29.

Aliens—Land  
ownership.  
Purpose of act.

Sec. 2. There is added to chapter 64.16 RCW a new section to read as follows:

New section.

Aliens' rights  
concerning  
land.

Any alien may acquire and hold lands, or any right thereto, or interest therein, by purchase, devise or descent; and he may convey, mortgage and devise the same, and if he shall die intestate, the same shall descend to his heirs, and in all cases such lands shall be held, conveyed, mortgaged or devised, or shall descend in like manner and with like effect as if such alien were a native citizen of this state or of the United States.

RCW 64.16.140  
amended.

Sec. 3. Section 1, chapter 111, Laws of 1895 and RCW 64.16.140 are each amended to read as follows:

Validation of  
prior convey-  
ances of land  
involving  
aliens.

All lands and all estates or interests in lands, within the state of Washington, which were conveyed or attempted to be conveyed to, or acquired or attempted to be acquired by, any alien or aliens, prior to the date of the adoption of this act, are hereby confirmed to the respective persons at present owning or claiming to own the title thereto derived by, through or under any such alien ownership or attempted ownership, to the extent that title was vested in or conveyed by said alien or aliens: *Provided*, That nothing in this section shall be construed to affect, adversely or otherwise, any title to any such lands, or to any interest or estate therein, held or claimed by any private person or corporation adversely to the title hereby confirmed.

RCW 79.01.088  
amended.

Sec. 4. Section 22, chapter 255, Laws of 1927 as amended by section 3, chapter 257, Laws of 1959, and RCW 79.01.088 are each amended to read as follows:

Public lands,  
purchase or  
lease.

Any person desiring to purchase any state lands, or to purchase any tide or shore lands, or to purchase any timber, fallen timber, stone, gravel or other valuable materials situated on state, tide or shore lands, or to lease any state, tide or shore lands, or harbor areas, shall file in the office of the commissioner of public lands an application, on the

proper form and in case of application for the purchase of lands, or for the purchase of timber, fallen timber, stone, gravel or other valuable materials, shall deposit with the application not less than ten cents per acre for the land or material applied for, but in no case less than ten dollars, and in case of application for lease for any purpose, except mining of valuable minerals or coal, or extraction of petroleum or gas, shall deposit the sum of ten dollars, which deposit shall be returned to the applicant in case the land or materials applied for is sold, or the land or area leased, when offered pursuant to the application, but in case the land or material is not sold, or the land or area not leased, by reason of the failure of the applicant to bid the appraised value, or the fixed rental thereof, when the same is offered, the deposit shall be forfeited to the state and paid into the state treasury to the credit of the general fund.

Sec. 5. Section 143, chapter 255, Laws of 1927 and RCW 79.01.572 are each amended to read as follows:

RCW 79.01.572 amended.

Any person desiring to lease lands for the purpose of planting and cultivating thereon oyster beds or for the purpose of cultivating clams and other edible shellfish, shall file with the commissioner of public lands, on a proper form an application in writing signed by the applicant and accompanied by a map of the land desired to be leased, describing the lands by metes and bounds tied to at least two United States government corners, and by such reference to local geography as shall suffice to convey a knowledge of the location of the lands with reasonable accuracy to persons acquainted with the vicinity, and accompanied by a deposit of ten dollars which deposit shall be returned to the applicant in case a lease is not granted.

Beds of navigable waters—  
Lease.

**NOTE:** See also section 2, chapter 228, Laws of 1967.

RCW 79.14.010  
amended.

Sec. 6. Section 1, chapter 131, Laws of 1955 and RCW 79.14.010 are each amended to read as follows:

Public lands—  
Oil and gas  
leases—Defini-  
tions.

Whenever used in this chapter, unless the context otherwise requires, words and terms shall have the meaning attributed to them herein:

(1) "Public lands": Lands and areas belonging to or held in trust by the state, including tide and submerged lands of the Pacific Ocean or any arm thereof and lands of every kind and nature including mineral rights reserved to the state.

(2) "Commissioner": The commissioner of public lands of the state of Washington.

Repeal.

Sec. 7. The following acts and parts of acts and RCW sections are hereby repealed:

(1) Section 1, chapter 50, Laws of 1921 as last amended by section 1, chapter 255, Laws of 1955 and RCW 64.16.010;

(2) Sections 2, 3, 5, 6, 7 and 9, chapter 50, Laws of 1921 and RCW 64.16.020, 64.16.030, 64.16.070, 64.16.090, 64.16.100 and 64.16.120;

(3) Section 11, chapter 50, Laws of 1921 [uncodified];

(4) Section 4, chapter 50, Laws of 1921 as amended by section 1, chapter 111, Laws of 1933 and RCW 64.16.080;

(5) Section 8, chapter 50, Laws of 1921 as amended by section 4, chapter 220, Laws of 1937 and RCW 64.16.110;

(6) Section 10, chapter 50, Laws of 1921 as amended by section 1, chapter 11, Laws of 1953 and RCW 64.16.130;

(7) Section 2, chapter 10, Laws of 1953 [uncodified];

(8) Sections 1 and 2, chapter 70, Laws of 1923 and RCW 64.16.040 and 64.16.050;

(9) Section 2, chapter 220, Laws of 1937 and RCW 64.16.060;

(10) Section 5, chapter 220, Laws of 1937 [uncodified];

(11) Section 1, chapter 9, Laws of 1953 and RCW 64.16.150;

(12) Section 1, chapter 56, Laws of 1965 and RCW 79.01.614.

Sec. 8. This act is necessary for the immediate Emergency. 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. 9. If any provision of this act, or its applica- Severability. tion 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 3, 1967.

Passed the House March 3, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 164.

[Engrossed House Bill No. 97.]

TORT LIABILITY—POLITICAL  
SUBDIVISIONS—MUNICIPAL CORPORATIONS.

AN ACT relating to state and local government; deleting provisions granting certain political subdivisions immunity from tort liability; removing immunity from tort liability from all political subdivisions, municipal corporations, and quasi municipal corporations of the state; prescribing procedures; amending section 3, chapter 159, Laws of 1963 and RCW 4.92.100; amending section 15, chapter 34, Laws of 1939 and RCW 52.08.010; amending section 11, chapter 6, Laws of 1947 and RCW 68.16.110; amending section 6, chapter 264, Laws of 1945 as last amended by section 2, chapter 157, Laws of 1965 and RCW 70.44.060; amending section 16, chapter 26, Laws of 1965 and RCW 86.05.920; amending section 50, chapter 72, Laws of 1937 and RCW 86.09.148; amending section 41, chapter 254, Laws of 1927 and RCW 89.30.121; amending section 35.31.010, chapter 7, Laws of 1965 and RCW 35.31.010; amending section 35.31.020, chapter 7, Laws of 1965 and RCW 35.31.020; amending section 35.31.040, chapter 7, Laws of 1965 and RCW 35.31.040; amending section 36.45.010, chapter 4, Laws of 1963 and RCW 36.45.010; amending section 47.60.250, chapter 13, Laws of 1961 and RCW 47.60.250; amending section 2, chapter 276, Laws of 1961 and RCW 87.03.440; repealing section 1, chapter 92, Laws of 1917 and RCW 28.58.030; repealing section 35.23.340, chapter 7, Laws of 1965 and RCW 35.23.340; repealing section 10, chapter 224, Laws of 1957 and RCW 53.52.010; and repealing section 11, chapter 224, Laws of 1957 and RCW 53.52.020.

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

Section 1. All political subdivisions, municipal corporations, and quasi municipal corporations of the state, whether acting in a governmental or proprietary capacity, shall be liable for damages arising out of their tortious conduct, or the tortious conduct of their officers, agents or employees to the same extent as if they were a private person or corporation: *Provided*, That the filing within the time allowed by law of any claim required shall be a condi-

Tort liability—  
State, political  
subdivisions—  
Filing.

tion precedent to the maintaining of any action. The laws specifying the content for such claims shall be liberally construed so that substantial compliance therewith will be deemed satisfactory.

Sec. 2. Section 3, chapter 159, Laws of 1963 and RCW 4.92.100 are each amended to read as follows:

All claims against the state for damages arising out of tortious conduct shall be presented to and filed with the state auditor within one hundred twenty days from the date that the claim arose. All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing his claim in the time prescribed or if the claimant is a minor, or is a nonresident of the state absent therefrom during the time within which his claim is required to be filed, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing him.

RCW 4.92.100 amended.

Claims against state—Presentation and filing.

With respect to the content of such claims this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 3. Section 47.60.250, chapter 13, Laws of 1961 and RCW 47.60.250 are each amended to read as follows:

RCW 47.60.250 amended.

As condition to a recovery thereon, a verified claim against the authority growing out of such damages, loss, injuries or death must first be

Puget sound  
ferry and toll  
bridge system  
—Claim for  
damages—Filing—Contents  
—Time limitation.

presented to the authority and filed with its secretary within one hundred twenty days after the time when such claim accrued. If the claimant shall be incapacitated from verifying and filing his claim within said one hundred twenty days, or if the claimant be a minor, then the claim may be verified and presented on behalf of said claimant by his relative, attorney or agent. Each such claim must accurately locate and describe the event or defect that caused the damage, loss, injury or death, reasonably describe the damage, loss or injury, and state the time when the same occurred, give the claimant's residence for six months last past and contain the items of damages claimed. No action shall be maintained against the authority upon such claim until the same has been presented to, and filed with, the authority and sixty days have elapsed after such presentation and filing, nor more than three years after such claim accrued.

With respect to the content of such claims this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

Claims against  
cities and  
towns, counties,  
and other  
political subdivisions,  
etc.

Sec. 4. (1) Chapter 35.31 RCW shall apply to claims against cities and towns, and chapter 36.45 RCW shall apply to claims against counties.

(2) The provisions of this subsection shall not apply to claims against cities and towns or counties but shall apply to claims against all other political subdivisions, municipal corporations, and quasi municipal corporations. Claims against such entities for damages arising out of tortious conduct shall be presented to and filed with the governing body thereof within one hundred twenty days from the date that the claim arose. All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the

names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing his claim in the time prescribed or if the claimant is a minor, or is a nonresident of the state absent therefrom during the time within which his claim is required to be filed, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing him. No action shall be commenced against any such entity for damages arising out of tortious conduct until a claim has first been presented to and filed with the governing body thereof. The requirements of this subsection shall not affect the applicable period of limitations within which an action must be commenced, but such period shall begin and shall continue to run as if no claim were required.

Sec. 5. Section 15, chapter 34, Laws of 1939 and RCW 52.08.010 are each amended to read as follows:

RCW 52.08.010  
amended.

Fire protection districts created under this act shall be political subdivisions of the state and shall be held and construed to be municipal corporations within the provisions of the laws and Constitution of the state of Washington. Such a 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 law.

Fire protection  
districts.

Sec. 6. Section 11, chapter 6, Laws of 1947 and RCW 68.16.110 are each amended to read as follows:

RCW 68.16.110  
amended.

Cemetery districts created under this chapter shall be deemed to be municipal corporations within the purview of the Constitution and laws of the

Cemetery  
districts.

Tort claims—  
Cemetery dis-  
tricts.

state of Washington. They shall constitute bodies corporate and possess all the usual powers of corporations for public purposes. They shall have full authority to carry out the objects of their creation, and to that end are empowered to acquire, hold, lease, manage, occupy and sell real and personal property or any interest therein; to enter into and perform any and all necessary contracts; to appoint and employ necessary officers, agents and employees; to contract indebtedness; to borrow money; to levy and enforce the collection of taxes against the lands within the district, and to do any and all lawful acts to effectuate the purposes of this chapter.

RCW 70.44.060  
amended.

Sec. 7. Section 6, chapter 264, Laws of 1945 as last amended by section 2, chapter 157, Laws of 1965 and RCW 70.44.060 are each amended to read as follows:

Tort claims—  
Public hospital  
districts.

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital 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 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 hospi-

tal district shall have the right of eminent domain and the power of condemnation against any hospital clinic or sanatorium operated as a charitable, non-profit establishment or against a hospital clinic or sanatorium operated by a religious group or organization: *And provided, further,* That no hospital district organized and existing in districts having more than twenty-five thousand population have any of the rights herein enumerated without the prior written consent of all existing hospital facilities within the boundaries of such hospital district.

(3) To lease existing hospital and equipment and/or other property used in connection therewith, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital service for residents of said district in hospitals 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 hospital 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 facilities of said hospitals, 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

Tort claims—  
Public hospital  
districts.

in connection with the construction, maintenance, and operation of any such hospital.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and to issue bonds therefor, bearing interest at a rate not exceeding six percent per annum, payable semiannually, said bonds not to be sold for less than par and accrued interest; and to assign or sell hospital accounts receivable for collection with or without recourse.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed three mills 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 three mills when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies commonly known as the forty mill tax limitation. 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 three mills herein specifically authorized. The commissioner 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 Octo-

ber 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 of not to exceed six percent per annum.

(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 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.

RCW 86.05.920  
amended.

Sec. 8. Section 16, chapter 26, Laws of 1965 and RCW 86.05.920 are each amended to read as follows:

Tort claims—  
Flood control  
districts.

Sections 1 through 79, chapter 160, Laws of 1935, section 1, chapter 82, Laws of 1949, section 1, chapter 20, Laws of 1953 and RCW 86.05.010 through 86.05.910 are each repealed: *Provided*, That districts heretofore established pursuant to said laws may continue to be operated and maintained as provided therein (except that the tort liability immunity provided for in section 32, chapter 160, Laws of 1935 and RCW 86.05.320 shall no longer apply); or may take such action as may be required to conform to the provisions of chapter 72, Laws of 1937 and chapter 86.09 RCW regulating the maintenance and operation of flood control districts to the same extent and to the same effect as if originally organized under said act: *Provided further*, That the organization of such districts and the validation of indebtedness heretofore incurred shall be governed as follows:

(1) Each and all of the flood control districts heretofore organized and established under sections 1 through 79, chapter 160, Laws of 1935, section 1, chapter 82, Laws of 1949, section 1, chapter 20, Laws of 1953 and RCW 86.05.010 through 86.05.910 are hereby validated and declared to be duly existing flood control districts having their respective boundaries as set forth in their organization proceedings as shown by the files in the offices of the auditors of each of the counties affected;

(2) All debts, contracts, and obligations heretofore made by or in favor of, and all bonds or other obligations heretofore executed in connection with or in pursuance of attempted organization, and all other things and proceedings heretofore done or taken by any flood control district heretofore es-

established, operated and maintained under sections 1 through 79, chapter 160, Laws of 1935, section 1, chapter 82, Laws of 1949, section 1, chapter 20, Laws of 1953 and RCW 86.05.010 through 86.05.910 are hereby declared legal and valid and of full force and effect until such are fully satisfied and/or discharged.

Sec. 9. Section 50, chapter 72, Laws of 1937 and RCW 86.09.148 are each amended to read as follows:

RCW 86.09.148 amended.

A flood control district created under this chapter shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all powers that may now or hereafter be conferred by law.

Flood control districts.

Sec. 10. Section 41, chapter 254, Laws of 1927 and RCW 89.30.121 are each amended to read as follows:

RCW 89.30.121 amended.

Reclamation districts created under this chapter shall be political subdivisions of the state and shall be held and construed to be municipal corporations within the provisions of the state Constitution relating to exemptions from taxation and within the provisions relating to the debt limits of municipal corporations: *Provided*, That nothing herein contained shall be construed as a limitation on general improvement and divisional districts, authorized herein, to contract obligations.

Reclamation districts.

Sec. 11. Section 35.31.010, chapter 7, Laws of 1965 and RCW 35.31.010 are each amended to read as follows:

RCW 35.31.010 amended.

Whenever a claim for damages sounding in tort against any city permitted by law to have a charter is presented to and filed with the city clerk or other proper officer of the city, in compliance with valid charter provisions thereof, not inconsistent with the provisions of chapter 35.31 RCW, such claim must contain in addition to the valid requirements of the

Charter cities  
—Filing  
claims—  
Contents.

Tort claims.

city charter relating thereto, a statement of the actual residence of the claimant, by street and number, at the date of presenting and filing such claim; an also a statement of the actual residence of the claimant for six months immediately prior to the time the claim for damages accrued.

RCW 35.31.020 amended.

Sec. 12. Section 35.31.020, chapter 7, Laws of 1965 and RCW 35.31.020 are each amended to read as follows:

Charter cities—~~Procedure—~~  
Time limitation.

The provisions of chapter 35.31 RCW shall be applied notwithstanding any provisions to the contrary in any charter of any city permitted by law to have a charter; however, charter provisions not inconsistent herewith shall continue to apply. All claims for damages against a charter city shall be filed within one hundred and twenty days from the date that the damage occurred or the injury was sustained: *Provided*, That if the claimant is incapacitated from verifying and filing his claim for damages within the time prescribed, or if the claimant is a minor, or in case the claim is for damages to real or personal property, and if the owner of such property is a nonresident of such city or is absent therefrom during the time within which a claim for damages to said property is required to be filed, then the claim may be verified and presented on behalf of the claimant by any relative or attorney or agency representing the injured person, or in case of damages to property, representing the owner thereof.

RCW 35.31.040 amended.

Sec. 13. Section 35.31.040, chapter 7, Laws of 1965 and RCW 35.31.040 are each amended to read as follows:

Non-charter cities and towns—~~Filing claims—~~  
Time limitation.

All claims for damages against noncharter cities and towns must be presented to the city or town council and filed with the city or town clerk within one hundred and twenty days from the date that the damage occurred or the injury was sustained: *Pro-*

*vided*, That if the claimant is incapacitated from verifying and filing his claim for damages within said time limitation, or if the claimant is a minor, then the claim may be verified and presented on behalf of the claimant by any relative or attorney or agent representing the injured person.

No ordinance or resolution shall be passed allowing such claim or any part thereof, or appropriating any money or other property to pay or satisfy the same or any part thereof, until the claim has first been referred to the proper department or committee, nor until such department or committee has made its report to the council thereon pursuant to such reference.

All such claims for damages must accurately locate and describe the defect that caused the injury, reasonably describe the injury and state the time when it occurred, give the residence for six months last past of claimant, contain the item of damages claimed and be sworn to by the claimant or a relative, attorney or agent of the claimant.

No action shall be maintained against any such city or town for any claim for damages until the same has been presented to the council and sixty days have elapsed after such presentation.

Sec. 14. Section 36.45.010, chapter 4, Laws of 1963 and RCW 36.45.010 are each amended to read as follows:

RCW 36.45.010 amended.

All claims for damages against any county must be presented before the board of county commissioners and filed with the clerk thereof within one hundred and twenty days from the date that the damage occurred or the injury was sustained.

Counties—Filing claims—Time limitation.

Sec. 15. Section 2, chapter 276, Laws of 1961 and RCW 87.03.440 are each amended to read as follows:

RCW 87.03.440 amended.

The treasurer of the county in which is located the office of the district shall be ex officio treasurer

Irrigation districts—Claims against.

Tort claims—  
Irrigation  
districts.

of the district, and any county treasurer handling district funds shall be liable upon his official bond and to criminal prosecution for malfeasance and misfeasance, or failure to perform any duty as county or district treasurer. The treasurer of each county in which lands of the district are located shall collect and receipt for all assessments levied on lands within his county. There shall be deposited with the district treasurer all funds of the district. He shall pay out such funds upon warrants issued by the county auditor against the proper funds of the district, except the sums to be paid out of the bond fund upon coupons or bonds presented to the treasurer. All warrants shall be paid in the order of their issuance. The district treasurer shall report, in writing, on the first Monday in each month to the directors, the amount in each fund, the receipts for the month preceding in each fund, and file the report with the secretary of the board. The secretary shall report to the board, in writing, at the regular meeting in each month, the amount of receipts and expenditures during the preceding month, and file the report in the office of the board.

Any claim against the district for which it is liable under existing laws shall be presented to the board as provided in section 4 of this 1967 amendatory act and upon allowance it shall be attached to a voucher verified by the claimant and approved by the chairman and signed by the secretary and directed to the auditor for payment.

Repeal.

Sec. 16. Section 1, chapter 92, Laws of 1917 and RCW 28.58.030; section 10, chapter 224, Laws of 1957 and RCW 53.52.010; section 35.23.340, chapter 7, Laws of 1965 and RCW 35.23.340; and section 11, chapter 224, Laws of 1957 and RCW 53.52.020 are each hereby repealed.

Sec. 17. It is the purpose of this act to extend the doctrine established in chapter 136, Laws of 1961, as amended, to all political subdivisions, municipal corporations and quasi municipal corporations of the state. Purpose.

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. Severability.

Passed the House March 2, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 165.

[Substitute House Bill No. 533.]

STATE BOARD FOR VOCATIONAL  
EDUCATION—AUTHORITY.

AN ACT relating to the authority of the state board for vocational education.

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

Section 1. The state board for vocational education shall have authority to:

State board  
for vocational  
education—  
Authority.

(1) Administer any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of congress insofar as the provisions thereof may apply to the administration of fire service training;

(2) Establish and conduct fire service training courses;

(3) Construct, equip, maintain and operate necessary fire service training facilities: *Provided*, That the board's authority to construct, equip and main-

State board  
for vocational  
education—  
Authority.

tain such facilities shall be subject to the provisions of chapter 43.19 RCW;

(4) Purchase, lease, rent or otherwise acquire real estate necessary to establish and operate fire service training facilities in the manner provided by law;

(5) Cooperate with the common schools, the institutions of higher education and any department or division of the state government or of any county or municipal corporation thereof, in establishing and maintaining instruction in fire service training in accordance with the provisions of any acts of congress and legislation enacted by the legislature in pursuance thereof, and in establishing, building and operating training facilities; and

(6) Administer the funds provided by the federal government, and by the state under the provisions of any federal acts and of the acts passed by the legislature for the promotion of fire service training: *Provided*, That the provisions of this section shall not be construed as interfering in any way with the program or programs of any other public agency.

**NOTE:** See also section 73(37), chapter 8, Laws of 1967 ex. sess.

Passed the House March 8, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 166.

[Substitute House Bill No. 730.]

SPORTS STADIA—COUNTIES—CITIES—PARTICIPATION.

AN ACT relating to the participation of counties and cities in the acquisition, construction, operation, and maintenance of multi-purpose sports stadia; authorizing the acquisition by condemnation or otherwise of necessary property therefor; authorizing the issuance of revenue bonds and matters incident thereto; prescribing powers, duties, and functions of public officers in relation thereto; and adding a new chapter to Title 67 RCW.

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

Section 1. There is added to Title 67 RCW a new chapter as set forth in sections 2 through 6 of this act.

New chapter.

Sec. 2. The participation of counties and cities in multi-purpose sports stadia which may be used for football, baseball, soccer, conventions, home shows or any and all similar activities; the purchase, lease, condemnation, or other acquisition of necessary real property therefor; the acquisition by condemnation or otherwise, lease, construction, improvement, maintenance, and equipping of buildings or other structures upon such real property or other real property; the operation and maintenance necessary for such participation, and the exercise of any other powers herein granted to counties and cities, are hereby declared to be public, governmental, and municipal functions, exercised for a public purpose, and matters of public necessity, and such real property and other property acquired, constructed, improved, maintained, equipped, and used by counties and cities in the manner and for the purposes enumerated in this act shall and are hereby declared to be acquired, constructed, improved, maintained, equipped and used for public, governmental, and

Sports stadia  
—Counties—  
Cities—Parti-  
cipation—Pub-  
lic purpose.

municipal purposes and as a matter of public necessity.

Joint participation.

Sec. 3. The counties and cities are authorized, upon passage of an ordinance in the prescribed manner, to participate in the financing, construction, acquisition, operation, and maintenance of multi-purpose sports stadia within their boundaries. Counties and cities are also authorized, through their governing authorities, to purchase, lease, condemn, or otherwise acquire property, real or personal; to construct, improve, maintain and equip buildings or other structures; and expend moneys for investigations, planning, operations, and maintenance necessary for such participation.

The cost of any such acquisition, condemnation, construction, improvement, maintenance, equipping, investigations, planning, operation, or maintenance necessary for such participation may be paid for by appropriation of moneys available therefor, gifts, or wholly or partly from the proceeds of revenue bonds as the governing authority may determine.

Revenue bonds.

Sec. 4. Any revenue bonds to be issued by any county or city pursuant to the provisions of this act, shall be authorized and issued in the manner prescribed by the laws of this state for the issuance and authorization of bonds thereof for public purposes generally: *Provided*, That the bonds shall not be issued for a period beyond the life of the improvement to be acquired by the use of the bonds.

The bonding authority authorized for the purposes of this act shall be limited to the issuance of revenue bonds payable from a special fund or funds created solely from revenues derived from the facility. The owners and holders of such bonds shall have a lien and charge against the gross revenue of the facility. Such revenue bonds and the interest thereon against such fund or funds shall be a valid

claim of the holders thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the municipality. The governing authority of any county or city may by ordinance take such action as may be necessary and incidental to the issuance of such bonds and the retirement thereof. The provisions of chapter 36.67 RCW not inconsistent with this act shall apply to the issuance and retirement of any such revenue bonds.

Sec. 5. The governing body having power to appropriate moneys within any county or city for the purpose of purchasing, condemning, leasing or otherwise acquiring property, constructing, improving, maintaining, and equipping buildings or other structures, and the investigations, planning, operation or maintenance necessary to participation in any such all-purpose or multi-purpose sports stadium, is hereby authorized to appropriate and cause to be raised by taxation or otherwise moneys sufficient to carry out such purpose.

Appropriation of money by local government.

Sec. 6. The powers and authority conferred upon counties and cities under the provisions of this act, shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other such powers or authority.

Powers and duties and additional and cumulative.

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.

Severability.

Passed the House March 2, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 167.

[Engrossed House Bill No. 227.]

DRIVERS' LICENSES—DRIVER EDUCATION.

AN ACT relating to motor vehicle driver's licenses and driver education; amending section 46.20.100, chapter 12, Laws of 1961 as amended by section 43, chapter 170, Laws of 1965 extraordinary session, and RCW 46.20.100; amending section 46.20.102, chapter 12, Laws of 1961 as amended by section 12, chapter 121, Laws of 1965 extraordinary session, and RCW 46.20.102; amending section 46.20.104, chapter 12, Laws of 1961 as amended by section 13, chapter 121, Laws of 1965 extraordinary session, and RCW 46.20.104; amending section 46.20.120, chapter 12, Laws of 1961 as amended by section 9, chapter 121, Laws of 1965 extraordinary session, and RCW 46.20.120; amending section 27, chapter 121, Laws of 1965 extraordinary session and RCW 46.20.311; amending section 29, chapter 121, Laws of 1965 extraordinary session and RCW 46.20.322; amending section 43, chapter 121, Laws of 1965 extraordinary session and RCW 46.20.342; amending section 4, chapter 39, Laws of 1963 and RCW 46.81.030; adding new sections to chapter 46.20 RCW; and prescribing penalties.

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

RCW 46.20.100 amended.

Section 1. Section 46.20.100, chapter 12, Laws of 1961 as amended by section 43, chapter 170, Laws of 1965 extraordinary session and RCW 46.20.100 are each amended to read as follows:

Motor vehicle driver's licenses. Minor's license—Application.

The department of motor vehicles shall not consider the application of any minor under the age of eighteen years for a driver's license unless:

(1) The application is also signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his application is also signed by his employer; and

(2) The minor has satisfactorily completed a driver education course, conducted by a recognized secondary school, that meets the standards established by the Office of the State Superintendent of Public Instruction or the minor has satisfactorily completed a driver education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the Office of the Superintendent of Public Instruction and is officially approved by that office on an annual basis: *Provided, however,* That until July 1, 1969 the director may upon a showing that a driver education course was not available to the minor waive said requirement if the minor shows to the satisfaction of the department that he has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property.

Sec. 2. Section 46.20.102, chapter 12, Laws of 1961 as amended by section 12, chapter 121, Laws of 1965 extraordinary session, and RCW 46.20.102 are each amended to read as follows:

RCW 46.20.102  
amended.

The juvenile driver's license, minor driver's license, and adult driver's license as provided for in this chapter shall each be distinguishable in color or design.

Driver's licenses—Distinguishing.

Sec. 3. Section 46.20.104, chapter 12, Laws of 1961 as amended by section 13, chapter 121, Laws of 1965 extraordinary session, and RCW 46.20.104 are each amended to read as follows:

RCW 46.20.104  
amended.

A minor attaining the age of twenty-one years prior to the expiration date of his driver's license or a juvenile attaining the age of eighteen prior to the expiration date of his driver's license may upon proper application to the licensing agent have issued to him without fee a substitute license of the type issued to persons who are the licensee's age.

Reissue, new age class—  
No fee.

RCW 46.20.120  
amended.

Sec. 4. Section 46.20.120, chapter 12, Laws of 1961 as amended by section 9, chapter 121, Laws of 1965 extraordinary session, and RCW 46.20.120 are each amended to read as follows:

Applicants  
for new or  
renewal of  
driver's  
license—Ex-  
amination—  
Waiver—Fee.

No new driver's license shall be issued and no previously issued license shall be renewed until the applicant therefor has successfully passed a driver licensing examination: *Provided*, That the department may waive all or any part of the examination of any person applying for the renewal of a driver's license or the issuance of a minor driver's license when the applicant previously held a juvenile driver's license or the issuance of an adult driver's license when the applicant previously held a minor driver's license issued under the laws of this state, except when the department determines that an applicant for a driver's license is not qualified to hold a driver's license under this title. For a new license examination a fee of two dollars shall be paid by each applicant, in addition to the fee charged for issuance of his license. A new license shall be one issued to a driver who has not been previously licensed in this state or to a driver whose last previous Washington license has expired.

Any person who is without the state at the time his driver's license expires or who is unable to renew his license due to any incapacity may renew the license within sixty days after his return to this state or within sixty days after the termination of any such incapacity without the payment of a new license examination fee. In such case the department may waive all or any part of the examination as in the case of renewal of driver licenses.

The department shall provide for giving examinations at places and times reasonably available to the people of this state.

Sec. 5. Section 27, chapter 121, Laws of 1965 extraordinary session and RCW 46.20.311 are each amended to read as follows:

RCW 46.20.311 amended.

(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. Whenever the license of any person is suspended by reason of a conviction or pursuant to RCW 46.20.291, such suspension shall remain in effect and the department shall not issue to such person any new or renewal of license until such person shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

Duration of suspension—  
Conditions for reissuance or renewal.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of one year from the date on which the revoked license was surrendered to and received by the department, such person may make application for a new license as provided by law, but the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until such person shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

Sec. 6. Section 29, chapter 121, Laws of 1965 extraordinary session and RCW 46.20.322 are each amended to read as follows:

RCW 46.20.322 amended.

(1) Whenever the department proposes to suspend or revoke the driving privilege of any person or proposes to impose terms of probation on his

Driver improvement interview—  
Notice.

Driver improvement interview— Appearance of juvenile's parents or guardian.

driving privilege or proposes to refuse to renew a driver's license, notice and an opportunity for a driver improvement interview shall be given before taking such action, except as provided in RCW 46.20.324 and 46.20.325.

(2) Whenever the department proposes to suspend, revoke, restrict or condition a juvenile driver's driving privilege the department may require the appearance of the juvenile's legal guardian or father if the father is living and has custody, otherwise the mother or guardian having custody of the minor.

RCW 46.20.342 amended.

Sec. 7. Section 43, chapter 121, Laws of 1965 extraordinary session and RCW 46.20.342 are each amended to read as follows:

Driving while license suspended or revoked— Penalty— Extension of period.

(1) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than ten days nor more than six months and there may be imposed in addition thereto a fine of not more than five hundred dollars.

(2) The department upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license of such person is under suspension shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

**NOTE:** See also section 52, chapter 145, Laws of 1967 ex. sess.

Sec. 8. There is added to chapter 46.20 RCW a new section to read as follows:

For the purpose of chapter 46.20 RCW the term "adult driver's license" shall mean the driver's license which shall be issued only to persons twenty-one years of age or older; "minor driver's license" shall mean the driver's license which shall be issued only to persons eighteen years of age or older and under twenty-one years of age; and "juvenile driver's license" shall mean the driver's license which shall be issued only to persons sixteen years of age or older and under eighteen years of age but shall not mean a juvenile agricultural driving permit as provided for in RCW 46.20.070. "Driver's license" shall include an "adult driver's license", a "minor driver's license" and a "juvenile driver's license".

New section.

Adult driver's license, defined.

Sec. 9. There is added to chapter 46.20 RCW a new section to read as follows:

The department may suspend, revoke, restrict or condition any juvenile driver's license upon a showing of its records that the juvenile licensee has been found by a juvenile court, chief probation officer or any other duly authorized officer of a juvenile court to have committed any offense or offenses which under Title 46 constitutes grounds for said action.

Suspension, revocation or restriction of juvenile driver's license.

Sec. 10. There is added to chapter 46.20 RCW a new section to read as follows:

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.100 and 13.04.120, against any juvenile upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids

New section.

Supplying driving record of juveniles to juvenile court.

Motor vehicles.

juvenile courts in handling traffic cases and which promotes highway safety.

RCW 46.81.030 amended.

Sec. 11. Section 4, chapter 39, Laws of 1963 and RCW 46.81.030 are each amended to read as follows:

Driver education courses—  
Fiscal support—  
Penalty assessments

There shall be levied and paid into the driver education account of the general fund of the state treasury a penalty assessment in addition to the fine or bail forfeiture on all offenses involving a violation of a state statute or city or county ordinance relating to the operation or use of motor vehicles or the licensing of vehicle operators, except offenses relating to parking of vehicles, in the following amounts:

(1) Where a fine is imposed, three dollars for each twenty dollars of fine, or fraction thereof.

(2) If bail is forfeited, three dollars for each twenty dollars of bail, or fraction thereof.

(3) Where multiple offenses are involved, the penalty assessment shall be based on the total fine or bail forfeited for all offenses.

Where a fine is suspended, in whole or in part, the penalty assessment shall be levied in accordance with the fine actually imposed.

Passed the House March 9, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 168.

[Engrossed House Bill No. 138.]

## PROBATE LAW AND PROCEDURE.

AN ACT relating to probate law and procedure; amending section 11.04.015, chapter 145, Laws of 1965, as amended by section 1, chapter 55, Laws of 1965 extraordinary session and RCW 11.04.015; amending section 11.04.035, chapter 145, Laws of 1965 and RCW 11.04.035; amending section 11.16.050, chapter 145, Laws of 1965 and RCW 11.16.050; amending section 11.20.020, chapter 145, Laws of 1965 and RCW 11.20.020; amending section 11.20.040, chapter 145, Laws of 1965 and RCW 11.20.040; amending section 11.24.010, chapter 145, Laws of 1965 and RCW 11.24.010; amending section 11.40.010, chapter 145, Laws of 1965 and RCW 11.40.010; amending section 11.44.015, chapter 145, Laws of 1965 and RCW 11.44.015; amending section 11.44.070, chapter 145, Laws of 1965 and RCW 11.44.070; amending section 11.44.080, chapter 145, Laws of 1965 and RCW 11.44.080; amending section 11.52.010, chapter 145, Laws of 1965 and RCW 11.52.010; amending section 11.52.020, chapter 145, Laws of 1965 and RCW 11.52.020; amending section 1, chapter 126, Laws of 1965, section 11.52.050, chapter 145, Laws of 1965 and RCW 11.52.050; amending section 11.80.020, chapter 145, Laws of 1965 and RCW 11.80.020; amending section 11.20.050, chapter 145, Laws of 1965 and RCW 11.20.050; amending section 11.56.110, chapter 145, Laws of 1965 and RCW 11.56.110; adding new sections to chapter 145, Laws of 1965 and to chapters 11.02 and 11.40 RCW; and providing an effective date.

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

Section 1. There is added to chapter 145, Laws of 1965 and to chapter 11.02 RCW a new section to read as follows:

New section.

Upon the death of a decedent, a one-half share of the community property shall be confirmed to the surviving spouse, and the other one-half share shall be subject to testamentary disposition by the decedent, or shall descend as provided in chapter 11.04 RCW. The whole of the community property shall be subject to probate administration for all purposes of this title, including the payment of obligations

Probate—  
Community  
property  
subject to  
probate.

Probate.

and debts of the community, the award in lieu of homestead, the allowance for family support, and any other matter for which the community property would be responsible or liable if the decedent were living.

RCW 11.04.015 amended.

Sec. 2. Section 11.04.015, chapter 145, Laws of 1965, as amended by section 1, chapter 55, Laws of 1965 extraordinary session and RCW 11.04.015 are each amended to read as follows:

Descent and distribution.

The net estate of a person dying intestate, or that portion thereof with respect to which the person shall have died intestate, shall descend subject to the provisions of RCW 11.04.250 and section 1 of this 1967 amendatory act, and shall be distributed as follows:

(1) Share of surviving spouse. The surviving spouse shall receive the following share:

(a) All of the decedent's share of the net community estate unless there be surviving issue or parents, in which event, the surviving spouse shall take one-half of the decedent's share of the net community estate; and

(b) One-half of the net separate estate if the intestate is survived by issue; or

(c) Three-quarters of the net separate estate if there is no surviving issue, but the intestate is survived by one or more of his parents, or by one or more of the issue of one or more of his parents; or

(d) All of the net separate estate, if there is no surviving issue nor parent nor issue of parent.

(2) Shares of others than surviving spouse. The share of the net estate not distributable to the surviving spouse, or the entire net estate if there is no surviving spouse, shall descend and be distributed as follows:

(a) To the issue of the intestate; if they are all in the same degree of kinship to the intestate, they shall take equally, or if of unequal degree, then

those of more remote degree shall take by representation.

(b) If the intestate not be survived by issue, then to the parent or parents who survive the intestate.

(c) If the intestate not be survived by issue or by either parent, then to those issue of the parent or parents who survive the intestate; if they are all in the same degree of kinship to the intestate, they shall take equally, or, if of unequal degree, then those of more remote degree shall take by representation.

(d) If the intestate not be survived by issue or by either parent, or by any issue of the parent or parents who survive the intestate, then to the grandparent or grandparents who survive the intestate; if both maternal and paternal grandparents survive the intestate, the maternal grandparent or grandparents shall take one-half and the paternal grandparent or grandparents shall take one-half.

(e) If the intestate not be survived by issue or by either parent, or by any issue of the parent or parents or by any grandparent or grandparents, then to those issue of any grandparent or grandparents who survive the intestate; taken as a group, the issue of the maternal grandparent or grandparents shall share equally with the issue of the paternal grandparent or grandparents, also taken as a group; within each such group, all members share equally if they are all in the same degree of kinship to the intestate, or, if some be of unequal degree, then those of more remote degree shall take by representation.

Sec. 3. Section 11.04.035, chapter 145, Laws of 1965 and RCW 11.04.035 are each amended to read as follows:

Kindred of the half blood shall inherit the same share which they would have inherited if they had

RCW 11.04.035  
amended.

Probate—  
Kindred of the  
half blood.

Probate—  
Kindred of the  
half blood.

been of the whole blood, unless the inheritance comes to the intestate by descent, devise, or gift from one of his ancestors, or kindred of such ancestor's blood, in which case all those who are not of the blood of such ancestors shall be excluded from such inheritance; *Provided, however,* That the words "kindred of such ancestor's blood" and "blood of such ancestors" shall be construed to include any child lawfully adopted by one who is in fact of the blood of such ancestors.

RCW 11.16.050  
amended.

Sec. 4. Section 11.16.050, chapter 145, Laws of 1965 and RCW 11.16.050 are each amended to read as follows:

Probate—  
Venue.

Wills shall be proved and letters testamentary or of administration shall be granted:

(1) In the county of which deceased was a resident at the time of his death.

(2) In the county in which he may have died, or in which any part of his estate may be, he not being a resident of the state.

(3) In the county in which any part of his estate may be, he having died out of the state, and not having been a resident thereof at the time of his death.

RCW 11.20.040  
amended.

Sec. 5. Section 11.20.040, chapter 145, Laws of 1965 and RCW 11.20.040 are each amended to read as follows:

Proof of will—  
Witnesses.

The subsequent incompetency from whatever cause of one or more of the subscribing witnesses, or their inability to testify in open court or pursuant to commission, or their absence from the state, shall not prevent the probate of the will. In such cases the court shall admit the will to probate upon satisfactory testimony that the handwriting of the testator and of an incompetent or absent subscribing witness is genuine or the court may consider such other

facts and circumstances, if any, as would tend to prove such will.

Sec. 6. Section 11.24.010, chapter 145, Laws of 1965 and RCW 11.24.010 are each amended to read as follows:

RCW 11.24.010 amended.

If any person interested in any will shall appear within four months immediately following the probate or rejection thereof, and by petition to the court having jurisdiction contest the validity of said will, or appear to have the will proven which has been rejected, he shall file a petition containing his objections and exceptions to said will, or to the rejection thereof. Issue shall be made up, tried and determined in said court respecting the competency of the deceased to make a last will and testament, or respecting the execution by a deceased of such last will and testament under restraint or undue influence or fraudulent representations, or for any other cause affecting the validity of such will.

Will contests—  
Limitation of  
action—Issues.

Sec. 7. Section 11.40.010, chapter 145, Laws of 1965 and RCW 11.40.010 are each amended to read as follows:

RCW 11.40.010 amended.

Every personal representative shall, immediately after his appointment, cause to be published in a legal newspaper published in the county in which the estate is being administered, a notice that he has been appointed and has qualified as such personal representative, and therewith a notice to the creditors of the deceased, requiring all persons having claims against the deceased to serve the same on the personal representative or his attorney of record, and file with the clerk of the court, together with proof of such service, within four months after the date of the first publication of such notice. Such notice shall be published once in each week for three successive weeks. If a claim be not filed within the time aforesaid, it shall be barred, except under

Claims against  
estate—Notice  
to creditors—  
Limitation on  
filing claim.

Probate.

those provisions included in RCW 11.40.011. Proof by affidavit of the publication of such notice shall be filed with the court by the personal representative. In cases where all the property is awarded to the widow, husband or children as in this title provided, the notice to creditors herein provided for may be omitted.

New section designated 11.40.011.

Sec. 8. There is added to chapter 145, Laws of 1965 and to chapter 11.40 RCW a new section to be designated as RCW 11.40.011, to read as follows:

Claims against estate—Tort claims.

(1) The time limitation provided in RCW 11.40.010 for the serving and filing of claims shall not apply to causes of action against the decedent sounding in tort but such actions shall be barred only upon the expiration of the appropriate statute of limitations.

(2) (a) If the action is commenced prior to the time that the personal representative was discharged, the complaint shall be served on the personal representative, or the attorney for the estate; or

(b) If the action is commenced after 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.

**NOTE: See also section 4, chapter 106, Laws of 1967 ex. sess.**

RCW 11.44.015 amended.

Sec. 9. Section 11.44.015, chapter 145, Laws of 1965 and RCW 11.44.015 are each amended to read as follows:

Inventory.

Within three months after his appointment, unless a longer time shall be granted by the court, every personal representative shall make and return upon oath into the court a true inventory of all of the property of the estate which shall have come to his possession or knowledge, including a statement

of all encumbrances, liens or other secured charges against any item. Such property shall be classified as follows:

- (1) Real property, by legal description and assessed valuation of land and improvements thereon;
- (2) Stocks and bonds;
- (3) Mortgages, notes, and other written evidences of debt;
- (4) Bank accounts and money;
- (5) Furniture and household goods;
- (6) All other personal property accurately identified, including the decedent's proportionate share in any partnership, but no inventory of the partnership property shall be required of the personal representative.

Sec. 10. Section 11.44.070, chapter 145, Laws of 1965 and RCW 11.44.070 are each amended to read as follows:

RCW 11.44.070 amended.

The appraiser shall receive as compensation for his service an amount as to the court shall seem just and reasonable, but not less than ten dollars nor more than one-tenth of one percent of the gross value of the assets of the estate actually appraised by him.

Compensation of appraisers.

Sec. 11. Section 11.44.080, chapter 145, Laws of 1965 and RCW 11.44.080 are each amended to read as follows:

RCW 11.44.080 amended.

Where it is shown by the filing of the inventory, or other proof to the satisfaction of the court, that the whole estate consists of personal property of less value than one thousand dollars, exclusive of:

Dispensing with appraisal.

- (a) Moneys, drafts and checks;
- (b) Bank and savings and loan association accounts;
- (c) Bonds or securities listed on any exchange or having a recognized market value; and an appraisal may be dispensed with, in the discretion

Probate.

of the court, and the court may accept the verified appraisal of the personal representative in lieu of an appraisal by an appraiser; and in such case the court need not appoint an appraiser or may revoke his appointment if already made.

RCW 11.52.010  
amended.

Sec. 12. Section 11.52.010, chapter 145, Laws of 1965 and RCW 11.52.010 are each amended to read as follows:

Family sup-  
port—Award  
in lieu of  
homestead—  
Amount—  
Time for filing.

If it is made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court, after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of ten thousand dollars at the time of death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse, and exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's or materialmen's liens upon the property so set off, and exclusive of funeral expenses, expenses of last sickness and administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse; provided that the court shall have no jurisdiction to make such award unless the petition therefor is filed with the clerk within six years from the date of the death of the person whose estate is being administered.

RCW 11.52.020  
amended.

Sec. 13. Section 11.52.020, chapter 145, Laws of 1965 and RCW 11.52.020 are each amended to read as follows:

In event a homestead has been, or shall be selected in the manner provided by law, whether the

selection of such homestead results in vesting the complete or partial title in the survivor, it shall be the duty of the court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed ten thousand dollars at the time of the death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased and exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's, or materialmen's liens thereon, and exclusive of funeral expenses, expenses of last sickness and of administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse, to enter a decree, upon notice as provided in RCW 11.52.014 or upon longer notice if the court so orders, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in fee simple in the survivor: *Provided*, That if there be any incompetent heirs of the decedent, the court shall appoint a guardian ad litem for such incompetent heir who shall appear at the hearing and represent the interest of such incompetent heir.

Homestead may be awarded to survivor—Appointment of guardian ad litem.

Sec. 14. Section 1, chapter 126, Laws of 1965, section 11.52.050, chapter 145, Laws of 1965 and RCW 11.52.050 are each amended to read as follows:

RCW 11.52.050 amended.

If it is made to appear to the court that the amount of funeral expenses, expenses of last illness, expenses of administration, general taxes and special assessments which were liens at the time of the death of the deceased spouse together with the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's or materialmen's liens upon the property to be set off under the provisions of RCW 11.52.010 through 11.52.024 together with the amount of the award to be made by the court under the provisions of RCW 11.52.010 through 11.52.040 shall be equal to the gross appraised value of the

Homestead—Closure of estate—Discharge if personal representative.

## Probate.

property of the estate, then the court at the time of making such award shall enter its judgment setting aside all of the property of the estate, subject to the aforementioned charges, to the petitioner, shall order the estate closed, discharge the executor or administrator and exonerate the executor's or administrator's bond.

## RCW 11.80.020 amended.

Sec. 15. Section 11.80.020, chapter 145, Laws of 1965 and RCW 11.80.020 are each amended to read as follows:

Estates of absentees—  
Inventory and appraisement  
—Bond of trustee.

The trustee so appointed shall make, subscribe and file in the office of the clerk of the court an oath for the faithful performance of his duties, and shall, within such time as may be fixed by the judge, prepare and file an inventory of such property, and the judge shall thereupon appoint a disinterested and qualified person to appraise such property, and report his appraisement to the court within such time as the court may fix. Upon the coming in of the inventory and appraisement, the judge shall fix the amount of the bond to be given by the trustee, which bond shall in no case be less than the appraised value of the personal property and the annual rents and profits of the real property, and the trustee shall thereupon file with the clerk of the court a good and sufficient bond in the amount fixed and with surety to be approved by the court, conditioned for the faithful performance of his duties as trustee, and for accounting for such property, its rents, issues, profits, and increase.

## Effective date.

Sec. 16. This act shall take effect on July 1, 1967.

## RCW 11.20.050 amended.

Sec. 17. Section 11.20.050, chapter 145, Laws of 1965 and RCW 11.20.050 are each amended to read as follows:

Wills—  
Recording.

All wills shall be recorded by the clerk after filing, but may be withdrawn on the order of the court.

**NOTE: See also section 1, chapter 106, Laws of 1967 ex. sess.**

Sec. 18. Section 11.56.110, chapter 145, Laws of 1965 and RCW 11.56.110 are each amended to read as follows:

RCW 11.56.110  
amended.

If, at any time before confirmation of any such sale, any person shall file with the clerk of the court a bid on such property in an amount not less than ten percent higher than the bid the acceptance of which was reported by the return of sale and shall deposit with the clerk not less than twenty percent of his bid in the form of cash, money order, cashier's check or certified check made payable to the clerk, to be forfeited to the estate unless such bidder complies with his bid, the bidder whose bid was accepted shall be informed of such increased bid by registered or certified mail addressed to such bidder at any address which may have been given by him at the time of making such bid. Such bidder then shall have a period of five days, not including holidays, in which to make and file a bid better than that of the subsequent bidder. After the expiration of such five-day period the court may refuse to confirm the sale reported in the return of sale and direct a sale to the person making the best bid then on file, indicating which is the best bid, and a sale made pursuant to such direction shall need no further confirmation. Instead of such a direction, the court, upon application of the personal representative, may direct the reception of sealed bids. Thereupon the personal representative shall mail notice by registered or certified mail to all those who have made bids on such property informing them that sealed bids will be received by the clerk of the court within ten days. At the expiration of such period the personal representative, in the presence of the clerk of the court, shall open such bids as shall have been submitted to the clerk within the time stated in the notice (whether by previous bidders or not) and shall file a recommendation of the acceptance of

Sales, ex-  
changes, etc. of  
estate  
property.  
Offer of in-  
creased bid—  
Duty of court.

the bid which he deems best in view of the requirements of the particular estate. The court may thereupon direct a sale to the bidder whose bid is deemed best by the court and a sale made pursuant to such direction shall need no confirmation: *Provided, however,* That the court shall consider the net realization to the estate in determining the best bid.

**NOTE:** See also section 2, chapter 106, Laws of 1967 ex. sess.

Effective date. Sec. 19. The provisions of this act shall take effect on July 1, 1967.

Passed the House March 9, 1967.

Passed the Senate March 9, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 169.

[Engrossed House Bill No. 369.]

IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts; amending section 22, page 683, Laws of 1889-90, as last amended by section 1, chapter 157, Laws of 1941 and RCW 87.03.260; amending section 24, page 684, Laws of 1889-90, as last amended by section 3, chapter 171, Laws of 1939 and RCW 87.03.270; and adding a new section to chapter 87.03 RCW.

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

RCW 87.03.260 amended.

Section 1. Section 22, page 683, Laws of 1889-90, as last amended by section 1, chapter 157, Laws of 1941, and RCW 87.03.260 are each amended to read as follows:

Irrigation districts. Levies, amount—Special funds—Failure to make levy, procedure.

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.

Irrigation districts. Levies, amount—Special funds—Failure to make levy, procedure.

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 of the county in which the office of the board of directors is situated, and said board of county commissioners 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. 2. Section 24, page 684, Laws of 1889-90, as last amended by section 3, chapter 171, Laws of 1939, and RCW 87.03.270 are each amended to read as follows:

RCW 87.03.270  
amended.

The assessment roll, before its equalization and adoption, shall be checked and verified as to descriptions and ownerships, with the county treasurer's land rolls. On or before the fifteenth day of January in each year the secretary must deliver the assessment roll or the respective segregation thereof to the county treasurer of each respective county in which the lands therein described are located, and

Irrigation districts—Assessments, when delinquent—Notice—Collection—Additional fee for delinquency.

**Irrigation districts—Assessments, when delinquent—Notice—Collection—Additional fee for delinquency.**

said assessments shall become due and payable on the fifteenth day of February following.

One-half of all assessments on said roll shall become delinquent on the first day of June following the filing of the roll unless said one-half is paid on or before the thirty-first day of May of said year, and the remaining one-half shall become delinquent on the first day of December following, unless said one-half is paid on or before the thirtieth day of November. All delinquent assessments shall bear interest at the rate of ten percent per annum from the date of delinquency until paid.

Within twenty days after the filing of the assessment roll as aforesaid the respective county treasurers shall each publish a notice in a newspaper published in their respective counties in which any portion of the district may lie, that said assessments are due and payable at the office of the county treasurer of the county in which said land is located and will become delinquent unless paid as herein provided. Said notice shall state the dates of delinquency as fixed in this act and the rate of interest charged thereon and shall be published once a week for four successive weeks.

Upon receiving the assessment roll the county treasurer shall prepare therefrom an assessment book in which shall be written the description of the land as it appears in the assessment roll, the name of the owner or owners where known, and if assessed to the unknown owners, then the word "unknown", and the total assessment levied against each tract of land. Proper space shall be left in said book for the entry therein of all subsequent proceedings relating to the payment and collection of said assessments.

Upon payment of any assessment the county treasurer must enter the date of said payment in said assessment book opposite the description of the

land and the name of the person paying and give a receipt to such person specifying the amount of the assessment and the amount paid with the description of the property assessed. On all assessments levied prior to the time this amendatory act takes effect the county treasurer shall collect the interest and penalty upon delinquent assessments in accordance with the law in effect at the time such assessments were levied; and on all assessments levied after this amendatory act takes effect it shall be the duty of the treasurer to collect the interest provided by this amendatory act.

It shall be the duty of the county treasurer of the county in which any land in the district is located to furnish upon request of the owner, or any person interested, a statement showing any and all assessments levied as shown by the assessment roll in his office upon land described in such request, and all statements of general taxes covering any land in the district shall be accompanied by a statement showing the condition of irrigation district assessments against such lands: *Provided*, That the failure of the county treasurer to render any statement herein required of him shall not render invalid any assessments made by any irrigation district or proceedings had for the enforcement and collection of irrigation district assessments pursuant to this act.

It shall be the duty of the county treasurer of any county, other than the county in which the office of the board of directors is located, to make monthly remittances to the county treasurer of the county in which the office of the board of directors is located covering all amounts collected by him for the irrigation district during the preceding month.

The provisions of this act with respect to delinquency and interest to be charged shall apply to all assessments now delinquent as well as to all assess-

Irrigation districts—Assessments, when delinquent—Notice—Collection—Additional fee for delinquency.

ments becoming delinquent hereafter, and it shall be the duty of the respective county treasurers to collect interest at said rate of ten percent per annum without regard to the date of levy or delinquency: *Provided*, That upon redemption from any certificate of sale other than certificates of sale held by an irrigation district the county treasurer shall collect interest at the rate prescribed in such certificate of sale.

When the county treasurer collects a delinquent assessment, in addition to any other amounts due by reason of the delinquency, he shall collect an additional sum of one dollar, which shall be deposited to the county current expense fund to the credit of the treasurer's office.

New section.

Sec. 3. There is added to chapter 87.03 RCW a new section to read as follows:

Secretary as collection agent—When Bond—Procedure.

Notwithstanding the provisions of RCW 87.03.260, 87.03.270, 87.03.440 and 87.03.445 the board of directors of any district acting as fiscal agent for the United States or the state of Washington for the collection of any irrigation charges may authorize the secretary of the district to act as the exclusive collection agent for the collection of all nondelinquent irrigation assessments of the district pursuant to such rules and regulations as the board of directors may adopt.

When the secretary acts as collection agent, his official bond shall be of a sufficient amount as determined by the board of directors of the district to cover any amounts he may be handling while acting as collection agent, in addition to any other amount required by reason of his other duties.

The assessment roll of such district shall be delivered to the county treasurer in accordance with the provisions of RCW 87.03.260 and 87.03.270 and the assessment roll shall be checked and verified by the county treasurer as provided in RCW 87.03.270.

After the assessment roll has been checked and verified by the county treasurer, the secretary of the district shall proceed to publish the notice as required under RCW 87.03.270; except that the notice shall provide that until the assessments and tolls become delinquent on December 1st they shall be due and payable in the office of the secretary of the district.

When the secretary of such district receives payments, he shall issue a receipt for such payments and shall be accountable on his official bond for the safekeeping of such funds and shall remit the same, along with an itemized statement of receipts, at least once each month to the county treasurer wherein the land is located on which the payment was made.

When the county treasurer receives the monthly statement of receipts from the secretary, he shall enter the payments shown thereon on the assessment roll maintained in his office.

On the first day of December of each year it shall be the duty of the secretary to transmit to the county treasurer the delinquency list which shall include the names, amounts and such other information as the county treasurer shall require, and thereafter the secretary shall not accept any payment on the delinquent portion of any account. Upon receipt of the list of delinquencies, the county treasurer shall proceed under the provisions of this chapter as though he were the collection agent for such district to the extent of such delinquent accounts.

Passed the House February 22, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 170.

[House Bill No. 642.]

MOTOR FREIGHT CARRIERS.

AN ACT relating to motor freight carriers regulated by the Washington utilities and transportation commission; amending section 81.80.300, chapter 14, Laws of 1961 and RCW 81.80.300; amending section 81.80.312, chapter 14, Laws of 1961 and RCW 81.80.312; amending section 81.80.318, chapter 14, Laws of 1961 as amended by section 8, chapter 59, Laws of 1963, and RCW 81.80.318; amending section 81.80.320, chapter 14, Laws of 1961 and RCW 81.80.320; repealing section 81.80.310, chapter 14, Laws of 1961 and RCW 81.80.310; repealing section 81.80.314, chapter 14, Laws of 1961 and RCW 81.80.314; repealing section 81.80.316, chapter 14, Laws of 1961 and RCW 81.80.316; repealing section 81.80.317, chapter 14, Laws of 1961 and RCW 81.80.317; repealing section 3, chapter 173, Laws of 1961 and RCW 81.80.3175; and declaring an effective date.

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

RCW 81.80.300 amended.

Section 1. Section 81.80.300, chapter 14, Laws of 1961 and RCW 81.80.300 are each amended to read as follows:

Motor freight carriers. Identification cards.

The commission shall prescribe an identification cab card and identification decal or stamp or number which must be carried within the cab of each motive power vehicle of each motor carrier required to have a permit under this chapter.

The identification cab card and the decal or stamp or number provided for herein may be in such form and contain such information as required by the commission.

It shall be unlawful for any "common carrier" or "contract carrier" to operate any motor vehicle within this state unless there is carried within the cab of the motive power vehicle, either operating as a solo vehicle or in combination with trailers, the identification cab card and decal or stamp or number required by this section and the payment by

such carrier of a total fee of three dollars for each such decal or stamp or number plus, for a solo truck, the applicable gross weight fee prescribed by RCW 81.80.320; for a combination of vehicles, i.e. a motive power vehicle and a trailer or combination of trailers, a payment of a total fee of three dollars plus two times the applicable gross weight fee prescribed by RCW 81.80.320 for the motive power vehicle.

Equipment of carriers operated between points in this state and points outside the state exclusively in interstate commerce, may be operated with cab cards and decals or stamps or numbers not assigned to specific motive power vehicles upon application therefor and payment for each such decal or stamp or number a total fee of three dollars plus, for a solo truck, two times the applicable gross weight fee prescribed by RCW 81.80.320, for the motive power vehicle; for a combination of vehicles, i.e. a motive power vehicle and a trailer or combination of trailers, a payment of a total fee of three dollars plus four times the applicable gross weight fee prescribed by RCW 81.80.320, for the motive power vehicle.

The commission may adopt rules and regulations imposing a reduced schedule of fees for short term operations, requiring reports of carriers, and imposing such conditions as the public interest may require with respect to the operation of such vehicles.

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 for any fees collected under this chapter.

The decal or stamp or number required herein shall be issued annually under the rules and regulations of the commission, and shall be affixed to the identification cab card required by this section not later than January 1st of each year: *Provided*, That such decal or stamp or number may be issued for

Motor freight  
carriers.  
Identification  
cards.

the ensuing calendar year on and after the first day of December preceding and may be used from the date of issue until December 31st of the succeeding calendar year for which the same was issued. In case an applicant receives a permit after January 1st of any year such decal or stamp or number shall be obtained and attached to the identification cab card and carried within the cab of the motive power vehicle subject to this chapter before operation of any such vehicle is commenced.

It shall be unlawful for the owner of said permit, his agent servant or employee, or any other person to use or display any identification cab card and decal or stamp or number, the permit number or other insignia of authority from the commission after said permit has expired, been canceled or disposed of, or to operate any vehicle under permit without such identification cab card and decal or stamp or number.

The commission shall collect all fees provided in this section and all such fees shall be deposited in the state treasury to the credit of the public service revolving fund.

RCW 81.80.312  
amended.

Sec. 2. Section 81.80.312, chapter 14, Laws of 1961 and RCW 81.80.312 are each amended to read as follows:

Identification  
plate—Intra-  
state com-  
merce—Inter-  
change of  
trailers—  
Agreement.

No carrier shall interchange its trailers or semi-trailers with any other carrier without first filing an interchange agreement with and securing approval thereof by the commission. The interchange agreement providing for the transfer or interchange of trailers or semitrailers pursuant thereto shall be authorized only on through movements between connecting regular route carriers.

Any carrier operating any motive power vehicle owned by another person or party shall secure identification cab cards and decals or stamps or numbers

in his own name for such motive power vehicles as required by RCW 81.80.300.

Sec. 3. Section 81.80.318, chapter 14, Laws of 1961 as amended by section 8, chapter 59, Laws of 1963, and RCW 81.80.318 are each amended to read as follows:

RCW 81.80.318  
amended.

Any motor carrier engaged in this state in the casual or occasional carriage of property in interstate or foreign commerce, who would otherwise be subject to all of the requirements of this chapter, shall be authorized to engage in such casual or occasional carriage, upon securing from the commission a single trip transit permit, valid for a period not exceeding ten days, which shall authorize a one way trip in transporting property for compensation between points in the state of Washington and points in other states, territories, or foreign countries.

Single trip  
transit permit.

No identification cab cards and decals or stamps or numbers and no regulatory fees other than as provided in this section shall be required for such permit. The permit must be carried in the cab of the motive power vehicle.

The permit shall be issued upon application to the commission or any of its duly authorized agents upon payment of a fee of ten dollars and the furnishing of proof of possession of public liability and property damage insurance in limits of at least twenty-five thousand dollars, for injury or death of any one person, and subject to such limit as to any one person, for one hundred thousand dollars for injury or death of all persons caused by any one accident and for ten thousand dollars for all damages to property caused by one accident. Such proof may consist of an insurance policy or a certificate of insurance.

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 on any vehicle subject only to the payment of this fee.

RCW 81.80.320 amended.

Sec. 4. Section 81.80.320, chapter 14, Laws of 1961, and RCW 81.80.320 are each amended to read as follows:

Motor freight carriers—Gross weight fees.

In addition to all other fees to be paid by him, every "common carrier" and "contract carrier" shall pay to the commission each year at the time of, in connection with, and before receiving his identification decal or stamp or number for each motive power vehicle operated by him, based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates, the following fees:

Less than 4,000 pounds .....	\$ 7.00
4,000 pounds or more and less than 6,000 pounds..	8.00
6,000 pounds or more and less than 8,000 pounds..	9.00
8,000 pounds or more and less than 10,000 pounds..	10.00
10,000 pounds or more and less than 12,000 pounds..	11.00
12,000 pounds or more and less than 14,000 pounds..	12.00
14,000 pounds or more and less than 16,000 pounds..	13.00
16,000 pounds or more and less than 18,000 pounds..	14.00
18,000 pounds or more and less than 20,000 pounds..	15.00
20,000 pounds or more and less than 22,000 pounds..	16.00
22,000 pounds or more and less than 24,000 pounds..	17.00
24,000 pounds or more and less than 26,000 pounds..	18.00
26,000 pounds or more and less than 28,000 pounds..	19.00
28,000 pounds or more and less than 30,000 pounds..	20.00
30,000 pounds or more and less than 32,000 pounds..	21.00
32,000 pounds or more and less than 34,000 pounds..	22.00
34,000 pounds or more and less than 36,000 pounds..	23.00

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the utilities and transportation commission is authorized to decrease the schedule of fees provided in this section by general order entered before November 1st of any year in which it determines that the moneys then in the motor carrier account of the public service revolving fund and the

fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers during the next succeeding calendar year. Whenever the cost accounting records of the commission indicate that the schedule of fees as previously reduced should be increased such increase, not in any event to exceed the schedule set forth in this section, may be effected by a similar general order entered before November 1st. Any decrease or increase of gross weight fees as herein authorized, shall be made on a proportional basis as applied to the various classifications of equipment.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

Sec. 5. This act shall take effect on December 1, 1967. Effective date.

Sec. 6. The following acts or parts of acts are hereby repealed: Repeal.

- (1) Section 81.80.310, chapter 14, Laws of 1961;
- (2) Section 81.80.314, chapter 14, Laws of 1961;
- (3) Section 81.80.316, chapter 14, Laws of 1961;
- (4) Section 81.80.317, chapter 14, Laws of 1961;
- (5) Section 3, chapter 173, Laws of 1961; and
- (6) RCW 81.80.310, 81.80.314, 81.80.316, 81.80.317, and 81.80.3175.

Passed the House March 2, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 171.

[Engrossed House Bill No. 855.]

CHIROPRACTORS—DISCIPLINARY BOARD.

AN ACT relating to chiropractors.

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

Chiropractic disciplinary board. Purpose.

Section 1. This act is passed:

(1) In the exercise of the police power of the state and to provide an adequate public agency to act as a disciplinary body for the members of the chiropractic profession licensed to practice chiropractic in this state;

(2) Because the health and well-being of the people of this state are of paramount importance;

(3) Because the conduct of members of the chiropractic profession licensed to practice chiropractic in this state plays a vital role in preserving the health and well-being of the people of the state;

(4) Because the agency which now exists to handle disciplinary proceedings for members of the chiropractic profession licensed to practice chiropractic in this state is ineffective and very infrequently employed, and consequently there is no effective means of handling such disciplinary proceedings when they are necessary for the protection of the public health; and

(5) Because practicing other healing arts while licensed to practice chiropractic and while holding one's self out to the public as a chiropractor affects the health and welfare of the people of the state.

Definitions.

Sec. 2. Terms used in this act shall have the meaning set forth in this section unless the context clearly indicates otherwise:

(1) "Board" means the chiropractic disciplinary board;

(2) "License" means a certificate of license to practice chiropractic in this state as provided for in chapter 18.25 RCW;

(3) "Members" means members of the chiropractic disciplinary board;

(4) "Secretary" means the secretary of the chiropractic disciplinary board.

Sec. 3. The term "unprofessional conduct" as used in this act and chapter 18.25 RCW shall mean the following items or any one or combination thereof:

Unprofessional  
conduct,  
defined.

(1) Conviction in any court of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence;

(2) Fraud or deceit in the obtaining of a license to practice chiropractic;

(3) All advertising of chiropractic business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public morals or safety;

(4) The impersonation of another licensed practitioner;

(5) Habitual intemperance;

(6) The wilful betrayal of a professional secret;

(7) Repeated acts of immorality, or repeated acts of gross misconduct in the practice of the profession;

(8) Aiding or abetting an unlicensed person to practice chiropractic;

(9) A declaration of mental incompetency by a court of competent jurisdiction;

(10) Failing to differentiate chiropractic care from any and all other methods of healing at all times;

(11) Practicing contrary to laws regulating the practice of chiropractic;

(12) Practicing other healing arts, whether licensed to so do or not, while holding one's self out to the public as a chiropractor;

(13) Unprofessional conduct as defined in chapter 19.68 RCW.

Chiropractic  
disciplinary  
board—  
Composition.

Sec. 4. There is hereby created the Washington state chiropractic disciplinary board to be composed of three members to be named by the Washington Chiropractors Association, Incorporated and three members to be named by the Chiropractic Society of Washington and one additional member who shall be the director of the department of motor vehicles or his designee from the department of motor vehicles. Initial members shall be named within thirty days after the effective date of this act, whose names and addresses shall be promptly sent to the director of motor vehicles, and such board shall meet and organize at a time and place to be determined by the director of the department of motor vehicles within sixty days after the effective date of this act and after written notice to the named members of such date and place.

Vacancies on  
the board.

Sec. 5. Vacancies on the board shall be filled as provided for initially for the position for which a vacancy exists. The vacancy shall be filled within thirty days of the existence thereof and the director of the department of motor vehicles shall be informed of the name and address of the person named to fill the vacancy.

Removal.

Sec. 6. Any member of the board may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office, after being given a written statement of the charges against him and sufficient opportunity to be heard thereon.

Expenses and  
per diem.

Sec. 7. Members of the board may be paid twenty-five dollars per diem for time spent in per-

forming their duties as members of the board and may be repaid their necessary traveling and other expenses while engaged in the business of the board, with such per diem and reimbursement for expenses to be paid out of the general fund on vouchers approved by the budget director and signed by the director of motor vehicles: *Provided*, That the amount for expense will not be more than twenty-five dollars per day, except for traveling expense which shall not be more than ten cents per mile.

Sec. 8. The board may meet, function, and exercise its powers at any place within the state.

Meetings,  
location.

Sec. 9. The board shall elect from its members a chairman, vice-chairman, and secretary, who shall serve for one year and until their successors are elected and qualified. The board shall meet at least once a year or oftener upon the call of the chairman at such times and places as the chairman shall designate. Five members shall constitute a quorum to transact the business of the board.

Officers—  
Meetings—  
Quorum.

Sec. 10. Members of the board shall be immune from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed in good faith as members of such board.

Immunity  
from suit for  
good faith  
acts.

Sec. 11. The board shall have the following powers and duties:

Powers and  
duties of  
board.

(1) To adopt, amend and rescind such rules and regulations as it deems necessary to carry out the provisions of this act;

(2) To investigate all complaints and charges of unprofessional conduct against any holder of a license to practice chiropractic and to hold hearings to determine whether such charges are substantiated or unsubstantiated;

(3) To employ necessary stenographic or clerical help;

(4) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this act;

(5) To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding.

Chiropractic disciplinary board—Complaints of unprofessional conduct.

Sec. 12. Any person, firm, corporation, or public officer may submit a written complaint to the secretary charging the holder of a license to practice chiropractic with unprofessional conduct, specifying the grounds therefor. If the board determines that such complaint merits consideration, or if the board shall have reason to believe, without a formal complaint, that any holder of a license has been guilty of unprofessional conduct, the chairman shall designate three members to serve as a committee to hear and report upon such charges.

Hearing committee—Notice.

Sec. 13. When a hearing committee is named, the secretary shall prepare a specification of the charge or charges of unprofessional conduct made against a license holder, a copy of which shall be served upon the accused, together with a notice of the hearing.

Hearing—Notice—Rights of accused.

Sec. 14. The time of hearing shall be fixed by the secretary as soon as convenient, but not earlier than thirty days after service of the charges upon the accused. The secretary shall issue a notice of hearing of the charges, which notice shall specify the time and place of hearing and shall notify the accused that he may file with the secretary a written response within twenty days of the date of service. Such notice shall also notify the accused that a stenographic record of the proceeding will be kept, that he will have the opportunity to appear personally and to have counsel present, with the right to produce witnesses and evidence in his own behalf, to cross-examine witnesses testifying against him, to examine witnesses testifying for him, to examine such documentary evidence as may be produced

against him, and to have witnesses subpoenaed by the board.

Sec. 15. Subpoenas issued by the board to compel the attendance of witnesses at any investigation or hearing shall be served in accordance with the provisions of law governing the service of subpoenas in court actions. The board shall issue subpoenas at the request and on the behalf of the accused. In case any person contumaciously refuses to obey a subpoena issued by the board or to answer any proper question put to him during the hearing or proceeding, the board may petition the superior court of any county in which the proceeding is held or in which such person resides or is found and the said court shall issue to such person an order requiring him to appear before the board or its hearing committee, there to produce evidence if so ordered, or there to give testimony concerning the matter under investigation or question. Any failure to obey such order of the court may be punished by the court as a civil contempt may be punished.

Witnesses—  
Subpoenas—  
Contempt.

Sec. 16. Within a reasonable time after holding a hearing, the committee shall make a written report of its findings of fact and its recommendations, and the same shall be forthwith transmitted to the secretary, with a transcript of the evidence.

Written report  
of findings.

Sec. 17. If the board deems it necessary, the board may, after further notice to the accused, take further testimony at a second hearing before the full board, conducted as provided for hearings before the three man hearing committee.

Further hear-  
ings before  
full board.

Sec. 18. In any event, whether the board makes its determination on the findings of the hearing committee or on the findings of the committee as supplemented by a second hearing before the board, the board shall determine the charge or charges

Full board  
shall deter-  
mine charges.

Chiropractic disciplinary board.

upon the merits on the basis of the evidence in the record before it.

Guilty—Written findings—Order—Service on accused.

Sec. 19. If a majority of the members of the board then sitting vote in favor of finding the accused guilty of unprofessional conduct as specified in the charges, or any of the charges the board shall prepare written findings of fact and may thereafter prepare and file in the office of the director of motor vehicles a certificate or order of revocation or suspension, in which case a copy thereof shall be served upon the accused, or the board may reprimand the accused, as it deems most appropriate.

Not guilty—Dismissal of charge—Public exoneration of accused.

Sec. 20. If the license holder is found not guilty, or if less than a majority of the members then sitting vote for a finding of guilty, the board shall forthwith order a dismissal of the charges and the exoneration of the accused. When a proceeding has been dismissed, either on the merits or otherwise, the board shall relieve the accused from any possible odium that may attach by reason of the charges made against him by such public exoneration as is necessary, if requested by the accused to do so.

Effect of filing order in office of director of motor vehicles—Exception.

Sec. 21. The filing by the board in the office of the director of motor vehicles of a certificate or order of revocation or suspension after due notice, hearing and findings in accordance with the procedure specified in this act, certifying that any holder of a license has been found guilty of unprofessional conduct by the board, shall constitute a revocation or suspension of the license to practice chiropractic in this state in accordance with the terms and conditions imposed by the board and embodied in the certificate or order of revocation or suspension: *Provided*, That if the licensee seeks judicial review of the board's decision pursuant to the provisions of this act, such revocation or the period of such suspension shall be stayed and shall not be effective or

commence to run until final judgment has been entered in any proceeding instituted under the provisions of this act and the licensee's judicial remedies are exhausted hereunder.

Sec. 22. The certificate or order of revocation or suspension shall contain a brief and concise statement of the ground or grounds upon which the certificate or order is based and the specific terms and conditions of such revocation or suspension, and shall be retained as a permanent record by the director of motor vehicles.

Certificate  
or order—  
Contents—  
Retention.

Sec. 23. The director of motor vehicles shall not issue any license or any renewal thereof to any person whose license has been revoked or suspended by the board except in conformity with the terms and conditions of the certificate or order of revocation or suspension, or in conformity with any order of reinstatement issued by the board, or in accordance with the final judgment in any proceeding for review instituted under the provisions of this act.

Finding of  
guilty—Effect  
on license  
division.

Sec. 24. Any person whose license has been revoked or suspended by the board shall have the right to a judicial review of the board's decision. Such review shall be initiated by serving on the secretary a notice of appeal and filing such notice of appeal either in the superior court of Thurston county, or in the superior court of the county in which the appellant resides, within thirty days after the filing of the certificate or order of revocation or suspension in the office of the director of motor vehicles.

Judicial re-  
view—Time  
limitation.

Sec. 25. The secretary shall, within twenty days after the service of the notice of appeal, transmit to the clerk of the superior court to which the appeal is taken a transcript of the record before the board, certified under the seal of the board, together with a certified copy of the board's written findings.

Transcript  
of hearing.

Chiropractic disciplinary board—Judicial review—Scope of review—Finality.

Sec. 26. The findings of the board, if supported by the preponderance of evidence, shall be final and conclusive. The review in the superior court shall be limited to determining whether the findings of the board are supported by the preponderance of evidence and whether the proceedings of the board were erroneous as a matter of law, or in violation of due process, or so arbitrary or capricious as to amount to an abuse of discretion, or contrary to any constitutional right, power, privilege or immunity.

Judicial review—Procedure.

Sec. 27. The procedure governing appeals to the superior court under Title 51 RCW, as amended, shall govern in matters of appeal from a decision of the board, insofar as applicable and to the extent such procedure is not inconsistent with the type of review provided in this act.

Appeal to the supreme court.

Sec. 28. An aggrieved party may secure a review of any final judgment of the superior court. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

Failure of board to file order—Effect.

Sec. 29. If the board finds the holder of any license guilty of unprofessional conduct and fails to file a certificate or order of revocation or suspension in the office of the director of motor vehicles within thirty days, the license holder shall have the right to a judicial review of such finding of the board in the same manner and to the same extent as if the certificate or order had been filed.

Other healing arts prohibited.

Sec. 30. No person licensed as a chiropractor shall engage in the practice of healing arts other than as a chiropractor, unless he first surrenders his chiropractic license to the director of motor vehicles and discontinues the use of the name chiropractor whether by way of advertising or in any other manner which might signify he is practicing as a chiropractor within the meaning of this act.

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. Severability.

Sec. 32. The provisions of section 3 (12) and section 30 of this act shall not apply to persons holding a license to practice other healing arts as of the effective date of this act, but shall only apply to persons so licensed after the effective date of this act. Limitation,  
other healing  
arts—Applica-  
bility.

Passed the House March 8, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 172.

[Engrossed Substitute House Bill No. 76.]

### PUBLIC ASSISTANCE—CHILD, EXPECTANT MOTHERS, ADULT RETARDED CARE.

AN ACT relating to public assistance; amending section 5, chapter 90, Laws of 1965 extraordinary session and RCW 74.32.040; adding new sections to chapter 26, Laws of 1959 and to Title 74 RCW; repealing section 4, chapter 30, Laws of 1965 and RCW 74.13.030; repealing sections 74.14.010, 74.14.020, 74.14.030, 74.14.040, 74.14.050, 74.14.060, 74.14.070, 74.14.080, 74.14.090, 74.14.100, 74.14.110, 74.14.120, 74.14.130, 74.14.140, and 74.14.150, chapter 26, Laws of 1959 and RCW 74.14.010, 74.14.020, 74.14.030, 74.14.040, 74.14.050, 74.14.060, 74.14.070, 74.14.080, 74.14.090, 74.14.100, 74.14.110, 74.14.120, 74.14.130, 74.14.140, and 74.14.150; repealing section 6, chapter 90, Laws of 1965 extraordinary session and RCW 74.32.050; and prescribing penalties.

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

Section 1. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows: New section.

Public assistance—Child, expectant mother, adult retarded, care. Purpose.

The purpose of this 1967 amendatory act is:

(1) To safeguard the well-being of children, expectant mothers and adult retarded persons receiving care away from their own homes;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate child-care and maternity-care facilities, both public and private, through the cooperative efforts of public and voluntary agencies and related groups.

(4) To provide consultation to agencies caring for children, expectant mothers or adult retarded persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in section 2 of this amendatory act and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and adult retarded persons.

New section.

Sec. 2. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Definitions.

For the purpose of this 1967 amendatory act, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Department" means the state department of public assistance;

(2) "Director" means the director of the state department of public assistance;

(3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers or adult retarded

persons for control, care or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers or adult retarded persons for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or adult retarded persons for services rendered:

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

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

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

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

(e) "Foster-family home" means an agency which regularly provides care during any part of the twenty-four hour day to one or more children, expectant mothers or adult retarded persons in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or adult retarded person is placed.

"Agency" shall not include the following:

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

(b) Persons who are legal guardians of the child, expectant mother or adult retarded persons;

Public assist-  
ance—Child,  
expectant  
mother, adult  
retarded,  
care—  
Definitions.

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

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

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

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

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

(h) Licensed physicians or lawyers;

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

(j) Facilities approved and certified under RCW 72.33.810;

(k) Any agency having been in operation in this state ten years prior to the enactment of this 1967 amendatory act and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund.

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

Sec. 3. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

New section.

The director shall have the power and it shall be his duty:

Powers of director of institutions—Establishing standards and requirements.

(1) In consultation with the child welfare and day care advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the child welfare and day care advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or adult retarded persons;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

Powers of  
director of  
institutions—  
Establishing  
standards and  
requirements.

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or adult retarded persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to this 1967 amendatory act; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served.

(3) To issue, revoke, or deny licenses to agencies pursuant to this 1967 amendatory act. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(4) To prescribe the procedures and the form and contents of reports necessary for the administration of this 1967 amendatory act and to require regular reports from each licensee;

(5) To inspect agencies periodically to determine whether or not there is compliance with this 1967 amendatory act and the requirements adopted hereunder;

(6) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the child welfare and day care advisory committee; and

(7) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and adult retarded persons.

Sec. 4. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Licenses for foster-family homes under the supervision of a licensed agency shall be issued by the department of public assistance upon certification to the department by the licensed agency that such homes meet the requirements for foster homes as adopted pursuant to this 1967 amendatory act.

Sec. 5. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

The state fire marshal shall have the power and it shall be his duty:

(1) In consultation with the child welfare and day care advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to this 1967 amendatory act, except foster-family homes and child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he deems necessary;

(3) To make a periodic review of requirements under section 3, subsection (6) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department of public assistance before a license shall be issued, except that

a provisional license may be issued as provided in section 12 of this 1967 amendatory act.

New section.

Sec. 6. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Power of department of health to assist in regulation of agencies for children, expectant mothers and adult retarded.

The state department of health shall have the power and it shall be its duty:

(1) In consultation with the child welfare and day care advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to assist the department of public assistance in developing minimum requirements pertaining to each category of agency established pursuant to this 1967 amendatory act, except foster-family homes and child-placing agencies, necessary to promote the health of all persons residing therein; and

(2) To assist the director in his periodic review of requirements under section 3, subsection (6) and to make recommendations after consultation as required in subsection (1) of this section.

The state department of health, or the city, county, or district health department designated by it shall have the power and it shall be its duty:

(1) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes and child-placing agencies, as it deems necessary; and

(2) To issue to applicants for licenses hereunder, other than foster-family homes and child-placing agencies, who comply with the requirements adopted hereunder, a certificate of compliance, a copy of which shall be presented to the department of public assistance before a license shall be issued, except that a provisional license may be issued as provided in section 12 of this 1967 amendatory act.

Sec. 7. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

A copy of the articles of incorporation of any agency or amendments to the articles of existing corporation agencies shall be sent by the secretary of state to the department of public assistance at the time such articles or amendments are filed.

New section.

Filing copies of articles of incorporation of agencies.

Sec. 8. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

All agencies subject to this 1967 amendatory act shall accord the department of public assistance, the department of health, and the state fire marshal, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining whether or not there is compliance with the provisions of this 1967 amendatory act and the requirements adopted thereunder.

New section.

Right of access and inspection of records of agencies.

Sec. 9. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

It shall hereafter be unlawful for any agency to receive children, expectant mothers or adult retarded persons for supervision or care, or arrange for the placement of such persons, unless such agency is licensed as provided in this 1967 amendatory act.

New section.

Agencies required to have licenses.

Sec. 10. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Each agency shall make application for a license or renewal of license to the department of public assistance on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Upon re-

New section.

Application for licenses—Form—Licenses—Provisional licenses—Term.

Private welfare agencies.

ceipt of such application, the department shall either grant or deny a license within ninety days. A license shall be granted if the agency meets the minimum requirements set forth in this 1967 amendatory act and the departmental requirements consistent herewith, except that a provisional license may be issued as provided in section 12 of this 1967 amendatory act. Licenses provided for in this 1967 amendatory act shall be issued for a period of two years. The licensee, however, shall advise the director of any material change in circumstances which might constitute grounds for reclassification of license as to category.

New section.

Sec. 11. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

License renewal—Application.

If a licensee desires to apply for a renewal of its license, a request for a renewal shall be filed ninety days prior to the expiration date of the license. If the department has failed to act at the time of the expiration date of the license, the license shall continue in effect until such time as the department shall act.

New section.

Sec. 12. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Provisional license—Limitation.

The director of public assistance may, at his discretion, issue a provisional license to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency or facility reasonable time to become eligible for full license, except that a provisional license shall not be granted to any foster-family home.

New section.

Sec. 13. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to this 1967 amendatory act may be suspended, revoked or not renewed by the director upon proof (a) that the agency has failed or refused to comply with the provisions of this 1967 amendatory act or the requirements promulgated pursuant to the provisions of this 1967 amendatory act; or (b) that the conditions required for the issuance of a license under this 1967 amendatory act have ceased to exist with respect to such licenses;

Denial,  
revocation of  
suspension of  
license—  
Procedure—  
Notice—  
Hearing.

(2) Whenever the director shall have reasonable cause to believe that grounds for denial, suspension or revocation of a license exist or that a licensee has failed to qualify for renewal of a license he shall notify the licensee in writing by certified mail, stating the grounds upon which it is proposed that the license be denied, suspended, revoked or not renewed.

Within thirty days from the receipt of notice of the grounds for denial, suspension, revocation or lack of renewal, the licensee may serve upon the director a written request for hearing. Service of a request for hearing shall be made by certified mail. Upon receiving a request for hearing, the director shall fix a date upon which the matter may be heard, which date shall be not less than thirty-five days from the receipt of the request for such hearing and he shall also notify the child welfare and day care advisory committee not less than twenty-five days before the hearing date. If no request for hearing is made within the time specified, the license shall be deemed denied, suspended or revoked. It shall be the duty of the director within thirty days after the date of the hearing to notify the appellant of his decision. The director shall promulgate and publish rules governing the conduct of hearings.

Private welfare agencies.

Except as specifically provided above, the rules adopted and the hearings conducted shall be in accordance with Title 34 RCW (Administrative Procedure Act).

New section.

Sec. 14. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Injunction to enforce compliance.

Notwithstanding the existence or pursuit of any other remedy, the director may, in the manner provided by law, upon the advice of the attorney general, who shall represent the department in the proceeding, maintain an action in the name of the state for injunction or such other relief as he may deem advisable against any agency subject to licensing under the provisions of this 1967 amendatory act or against any such agency not having a license as heretofore provided in this 1967 amendatory act.

New section.

Sec. 15. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Operating without license—Penalty.

Any agency operating without a license shall be guilty of a misdemeanor. This section shall not be enforceable against an agency until sixty days after the effective date of new rules, applicable to such agency, have been adopted under this 1967 amendatory act.

New section.

Sec. 16. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Continuation of existing rules.

Existing rules for licensing adopted pursuant to chapter 74.14 RCW, sections 74.14.010 through 74.14.150, chapter 26, Laws of 1959, shall remain in force and effect until new rules are adopted under this 1967 amendatory act, but not thereafter.

New section.

Sec. 17. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

Power of department of public assistance concerning child welfare.

(1) Develop, administer, and supervise a plan that establishes, extend aid to, and strengthens services for the protection and care of homeless, dependent or neglected children, or children in danger of becoming delinquent.

(2) Investigate complaints of neglect, abuse, or abandonment of children by parents, guardians, custodians, or persons serving in loco parentis, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, guardians, custodians or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. If the investigation reveals that a crime may have been committed, notify the appropriate law enforcement agency.

(3) Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities in behalf of children.

(4) Have authority to accept custody of children from parents, guardians, and/or juvenile courts, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and to make payment of maintenance costs if needed.

(5) Have authority to purchase care for children and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(6) Establish a child welfare and day care advisory committee who shall act as an advisory com-

Private welfare agencies.

mittee to the state advisory committee and to the director in the development of policy on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto.

New section.

Sec. 18. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Child welfare and day care advisory committee—  
Membership—  
Terms—  
Duties.

The child welfare and day care advisory committee shall consist of fifteen members. The director shall designate a chairman. The committee shall hold original terms of office under this 1967 amendatory act as follows:

Five members shall serve for one year; five members shall serve two years; and five members shall serve three years. Upon expiration of the original terms, subsequent appointments shall be for three years except that in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy occurs.

There shall be included among the members of the committee one representative from each of the following state agencies:

- (1) The state department of health;
- (2) The department of public instruction;
- (3) The department of institutions; and
- (4) The office of the state fire marshal.

These members shall be the respective directors or the state fire marshal, or the directors' or the state fire marshal's designee, as the case may be.

Five members shall be appointed by the director from representatives of agencies subject to licensing under this 1967 amendatory act, the members to represent a variety of types of agencies including sectarian and nonsectarian agencies and from different geographical areas of the state.

The remaining members shall be appointed by the director on the basis of their interest in and concern for the welfare of children and selected insofar as possible to represent all geographical areas of the state and to represent a wide variety of groups interested in the welfare of children.

The committee shall become informed about child welfare service needs of the children of this state and the extent to which resources are available to meet those needs.

Sec. 19. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows: New section.

There shall be established a subcommittee of the child welfare and day care advisory committee which shall have as its primary concern all matters relating to licensing of agencies as contained in this 1967 amendatory act. Members of this subcommittee shall consist of one representative of each of the following state agencies: Subcommittee of child welfare and day care advisory committee—Duties—Members.

- (1) The department of health;
- (2) The department of institutions;
- (3) The office of the state fire marshal; and
- (4) Five members representative of sectarian and nonsectarian agencies from different geographical areas of the state, subject to licensing under this 1967 amendatory act.

Sec. 20. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows: New section.

The committee and the subcommittee shall include among its functions: Subcommittee of child welfare and day care advisory committee—Functions.

- (1) Advising the department on matters of policy affecting the licensing of agencies and in the development of requirements therefor;

Subcommittee of child welfare and day care advisory committee—  
Functions.

(2) Recommending categories of facilities for which separate or different requirements for licensing of agencies shall be developed;

(3) Reviewing and making recommendations with respect to licensing requirements and amendments thereto prior to their adoption and publication;

(4) Reviewing (a) at the request of an agency, minimum requirements adopted pursuant to this 1967 amendatory act; (b) at the request of an applicant, its proposed application for license; and making recommendations to the department in respect thereto.

Members of the committee shall be reimbursed for their actual expenses incurred in attending authorized meetings, but not to exceed the per diem and travel rates as established for state employees.

New section.

Sec. 21. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Exemptions.

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 of any agency, children's institution, child placing agency, maternity home, day or hourly nursery, foster home or other related institution conducted for or by members of a recognized religious sect, denomination or organization which in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion, nor shall the existence of any of the above conditions militate against the licensing of such a home or institution.

RCW 74.32.040 amended.

Sec. 22. Section 5, chapter 90, Laws of 1965 extraordinary session and RCW 74.32.040 are each amended to read as follows:

The child welfare and day care advisory committee shall consist of fifteen members. The medical care advisory committee shall consist of twelve members, and the advisory committee for the blind shall consist of three members. The members of the medical care advisory committee and the advisory committee for the blind shall be appointed by the director. Appointment of the members of the child welfare and day care advisory committee shall be made as required under section 17 through 20 of this 1967 amendatory act. The director shall designate a chairman for each committee. The members of the medical care advisory committee shall hold original terms of office as follows: Four members shall serve one year; four members to serve two years; and four members to serve three years. The members of the advisory committee for the blind shall hold original terms of office as follows: One member to serve one year; one member to serve two years; and one member to serve three years. Upon expiration of said original terms, subsequent appointments shall be for three years except in the case of a vacancy in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy occurs.

Child welfare and day care advisory committees—Composition.

Sec. 23. Section 4, chapter 30, Laws of 1965 and RCW 74.13.030; sections 74.14.010, 74.14.020, 74.14.030, 74.14.040, 74.14.050, 74.14.060, 74.14.070, 74.14.080, 74.14.090, 74.14.100, 74.14.110, 74.14.120, 74.14.130, 74.14.140, and 74.14.150, chapter 26, Laws of 1959 and RCW 74.14.010, 74.14.020, 74.14.030, 74.14.040, 74.14.050, 74.14.060, 74.14.070, 74.14.080, 74.14.090, 74.14.100, 74.14.110, 74.14.120, 74.14.130, 74.14.140, and 74.14.150; and section 6, chapter 90, Laws of 1965 extraordinary session and RCW 74.32.050 are each hereby repealed.

Severability.

Sec. 24. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House February 18, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 173.

[Engrossed House Bill No. 223.]

PUBLIC FUNDS—INVESTMENT.

AN ACT relating to public funds; and amending section 36.29.020, chapter 4, Laws of 1963 as amended by section 2, chapter 111, Laws of 1965, and RCW 36.29.020; and declaring an emergency.

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

RCW 36.29.020 amended.

Section 1. Section 36.29.020, chapter 4, Laws of 1963 as amended by section 2, chapter 111, Laws of 1965, and RCW 36.29.020 are each amended to read as follows:

Public funds in custody and control of county treasurer—Investment.

The county treasurer shall keep all moneys belonging to the state, or to any county, in his own possession until disbursed according to law. He shall not place the same in the possession of any person to be used for any purpose; nor shall he loan or in any manner use or permit any person to use the same; but it shall be lawful for a county treasurer to deposit any such moneys in any regularly designated county depository. Any municipal corporation may by action of its governing body authorize any of its funds which are not required for immediate expenditure, and which are in the custody of the county treasurer or other municipal corporation

treasurer, to be invested by such treasurer 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, or in any short term United States government securities: *Provided*, 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 governing body shall be paid as an investment service fee to the office of county treasurer or other municipal corporation treasurer when the interest or earnings become available to the governing body.

Whenever the funds of any municipal corporation which are not required for immediate expenditure are in the custody or control of the county treasurer, and the governing body of such municipal corporation has not taken any action pertaining to the investment of any such funds, the county finance committee shall direct the county treasurer to invest, to the maximum prudent extent, such funds in securities constituting the direct and general obligations of the United States government. The interest or other earnings from such investments shall be deposited in the current expense fund of the county and may be used for general county purposes. The investment and disposition of the interest or other earnings therefrom authorized by this paragraph shall not apply to such funds as may be prohibited by the state Constitution from being so invested.

Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, **Emergency.**

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

Passed the House March 2, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 174.

[Engrossed House Bill No. 96.]

MOTOR VEHICLES—DRIVING  
RECORDS—FEES—OVERWEIGHT FEES.

AN ACT relating to motor vehicles; amending section 5, chapter 169, Laws of 1963 and RCW 46.29.050; amending section 27, chapter 21, Laws of 1961 extraordinary session as last amended by section 63, chapter [32], Laws of 1967 [Senate Bill No. 36] and RCW 46.52.130; amending section 4, chapter 25, Laws of 1965 and RCW 46.68.041; and amending section 46.68.060, chapter 12, Laws of 1961 as amended by section 3, chapter 25, Laws of 1965 and RCW 46.68.060; repealing section 28, chapter 21, Laws of 1961 extraordinary session as last amended by section 64, chapter [32], Laws of 1967 [Senate Bill No. 36] and RCW 46.52.140; and amending section 2, chapter 137, Laws of 1965 and RCW 46.44.0941; and declaring an effective date.

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

RCW 46.29.050  
amended.

Section 1. Section 5, chapter 169, Laws of 1963 and RCW 46.29.050 are each amended to read as follows:

Motor vehicles  
—Furnishing  
copies of  
records—Fees.

(1) The department shall upon request furnish any person or his attorney a certified abstract of his driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved and reference to any convictions of said person for violation of the motor vehicle laws as reported to the department, and a record of any vehicles registered in the name of such person. The department shall collect for each

abstract the sum of one dollar and fifty cents which shall be deposited in the highway safety fund.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of one dollar and fifty cents which shall be deposited in the highway safety fund.

Sec. 2. Section 27, chapter 21, Laws of 1961 extraordinary session as last amended by section 63, chapter [32], Laws of 1967 [Senate Bill No. 36] and RCW 46.52.130 are each amended to read as follows:

RCW 46.52.130  
amended.

The director shall upon request furnish any insurance company or its agent, having or considering the issuance of a policy of insurance and any employer or prospective employer of persons who drive commercial motor vehicles or school buses a certified abstract of the driving record of any person, covering a period of not more than five years last past, whenever possible, which abstract shall include an enumeration of motor vehicle accidents in which such person has been involved and any reported convictions or forfeitures of bail of such person upon a charge of violating any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation served upon such person by an arresting officer. In addition thereto the director shall furnish such record to the person whose driving record is involved, upon such person's request: *Provided*, That the abstract herein provided to the insurance company shall have excluded therefrom any information pertaining to any occupational driver's license when the same is issued to any person employed by another or self-employed as a motor vehicle driver

Abstract of  
driving record  
—Fee—Lim-  
ited nature—  
Confidential-  
ity—Penalty.

Abstract of driving record—Fee—Limited nature—Confidentiality—Penalty.

who during the five years preceding the request has been issued such a license by reason of a conviction of a motor vehicle offense outside the scope of his principal employment, and who has during such period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom.

The director shall collect for each such abstract the sum of one dollar fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving such certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information therein contained to a third party: *Provided*, That no policy of insurance shall be canceled on the basis of such information unless the policy holder was determined to be at fault.

Any employer or prospective employer receiving such certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information therein contained to a third party.

Any violation of this section shall be a gross misdemeanor.

**NOTE:** See also section 63, chapter 32, Laws of 1967.

RCW 46.68.041 amended.

Disposition of driver's license and instruction permit fees.

Sec. 3. Section 4, chapter 25, Laws of 1965 and RCW 46.68.041 are each amended to read as follows:

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

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

(3) Out of each fee of four dollars collected for a driver's license, the sum of two dollars and twenty cents shall be deposited in the parks and parkways account in the general fund to be used for carrying out the provisions of chapter 43.51 RCW except that not to exceed fifty thousand dollars in a biennium as by appropriation provided shall be paid from the parks and parkways account for use in carrying out the provisions of law relating to drivers' licenses.

(4) Out of each fee of four dollars collected for a driver's license, the sum of one dollar and twenty cents shall be deposited in the highway safety fund, and sixty cents shall be deposited in the state patrol highway account.

Sec. 4. Section 46.68.060, chapter 12, Laws of 1961 as amended by section 3, chapter 25, Laws of 1965 and RCW 46.68.060 are each amended to read as follows:

RCW 46.68.060 amended.

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility and cost of furnishing abstracts of driving records and maintaining such case records.

Highway safety fund—Uses.

Sec. 5. From and after the first day of August, 1967, all moneys in the motor vehicles drivers' records revolving fund shall be transferred to the highway safety fund.

Transfer of funds.

Sec. 6. Section 28, chapter 21, Laws of 1961 extraordinary session as last amended by section 64, chapter [32], Laws of 1967 [Senate Bill No. 36] and RCW 46.52.140 are each hereby repealed.

Repeal.

**NOTE: See also section 64, chapter 32, Laws of 1967.**

Sec. 7. Sections 1, 2, 3 and 4 of this amendatory act shall become effective July 1, 1967.

Partial effective date.

RCW 46.44.0941 amended.

Sec. 8. Section 2, chapter 137, Laws of 1965 and RCW 46.44.0941 are each amended to read as follows:

Motor vehicles—Special permits for oversize and overweight vehicles—Fees.

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state primary or secondary highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

All overlegal loads, except overweight, single trip .....	\$	3.00
Continuous operation of overlegal loads having either overwidth or overheight features only for a period not to exceed thirty days	\$	20.00
Continuous operations of overlegal loads having overlength only for a period not to exceed thirty days.....	\$	10.00
Operation of combination of vehicles composed of more than two vehicles single trip .....	\$	3.00

OVERWEIGHT FEE SCHEDULE

Weight over total registered gross weight plus additional gross weight purchased under provisions of RCW 46.44.095, 46.44.047, 46.44.037 as now or hereafter amended, or any other statute authorizing the state highway commission to issue annual overweight permits.

	Fee per mile on state highways
1-5,999 pounds .....	\$ .05
6,000-11,999 pounds .....	\$ .10
12,000-17,999 pounds .....	\$ .15
18,000-23,999 pounds .....	\$ .25
24,000-29,999 pounds .....	\$ .35
30,000-35,999 pounds .....	\$ .45
36,000-41,999 pounds .....	\$ .60
42,000-47,999 pounds .....	\$ .75
48,000-53,999 pounds .....	\$ .90
54,000-59,999 pounds .....	\$ 1.05
60,000-65,999 pounds .....	\$ 1.20
66,000-71,999 pounds .....	\$ 1.45
72,000-77,999 pounds .....	\$ 1.70
80,000 pounds or more.....	\$ 2.00

Provided: (1) the minimum fee for any overweight permit shall be \$5.00, (2) when computing over-

weight fees which result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

This section shall become effective July 1, 1967.

Passed the House March 9, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 175.

[Engrossed Substitute House Bill No. 118.]

### PROBATE—SMALL ESTATES—SETTLEMENT.

AN ACT relating to the settlement of small estates of personal property of deceased persons; adding a new chapter to chapter 145, Laws of 1965 and to Title 11 RCW; and declaring an effective date.

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

Section 1. There is added to chapter 145, Laws of 1965 and to Title 11 RCW a new chapter to read as set forth in sections 2 through 3 of this 1967 amendatory act. New chapter.

Sec. 2. (1) If not less than thirty days after the death of an individual entitled at the time of death to a monthly benefit or benefits under Title II of the Social Security Act, all or part of the amount of such benefit or benefits, not in excess of one thousand dollars, is paid by the United States to (a) the surviving spouse, (b) one or more of the deceased's children, or descendants of his deceased children, (c) the director of the department of institutions if the decedent was a resident of a state institution at the date of death and liable for the cost of his care in an amount at least as large as the amount of such Probate—  
Small estates  
—Settlement  
—Social se-  
curity benefits.

Probate—  
Small estates  
—Settlement  
—Social se-  
curity benefits.

benefits, (d) the deceased's father or mother, or (e) the deceased's brother or sister, preference being given in the order named if more than one request for payment shall have been made by or for such individuals, such payment shall be deemed to be a payment to the legal representative of the decedent and shall constitute a full discharge and release from any further claim for such payment to the same extent as if such payment had been made to an executor or administrator of the decedent's estate.

(2) The provisions of subsection (1) hereof shall apply only if an affidavit has been made and filed with the United States Department of Health, Education, and Welfare by the surviving spouse or other relative by whom or on whose behalf request for payment is made and such affidavit shows (a) the date of death of the deceased, (b) the relationship of the affiant to the deceased, (c) that no executor or administrator for the deceased has qualified or been appointed, nor to the affiant's knowledge is administration of the deceased's estate contemplated, and (d) that, to the affiant's knowledge, there exists at the time of the filing of such affidavit, no relative of a closer degree of kindred to the deceased than the affiant: *Provided*, That the affidavit filed by the director of the department of institutions shall meet the requirements of parts (a) and (c) of this subsection and, in addition, show that the decedent left no known surviving spouse or children and died while a resident of a state institution at the date of death and liable for the cost of his care in an amount at least as large as the amount of such benefits.

Effective date.

Sec. 3. This 1967 amendatory act shall take effect and be in force on and after the first day of July, 1967, in conformity with the terms and provisions of

section 11.99.010, chapter 145, Laws of 1965 and RCW 11.99.010.

Passed the House March 8, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 176.

[House Bill No. 535.]

CORPORATIONS—DIRECTORS—ACTIONS WITHOUT MEETINGS.

AN ACT relating to business corporations; providing for certain actions by the board of directors or committee to be taken without a meeting; and adding a new section to chapter 53, Laws of 1965 and to chapter 23A.08 RCW.

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

Section 1. There is added to chapter 53, Laws of 1965 and to chapter 23A.08 RCW a new section to read as follows:

Unless otherwise provided by the articles of incorporation or bylaws, any action required by this title to be taken at a meeting of the directors of a corporation, or any action which may be taken at a meeting of the directors or of a committee, may be taken without a meeting if a consent in writing, setting forth the action so to be taken, shall be signed before such action by all of the directors, or all of the members of the committee, as the case may be. Such consent shall have the same effect as a unanimous vote.

Passed the House February 22, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 177.

[House Bill No. 297.]

PESTICIDES.

AN ACT relating to pesticides; amending sections 1, 2, 7, 8, 9, 11, 12, 15, 16, 18, 20, 22, 23, 29, and 34, chapter 249, Laws of 1961 and RCW 17.21.010, 17.21.020, 17.21.070, 17.21.080, 17.21.090, 17.21.110, 17.21.120, 17.21.150, 17.21.160, 17.21.180, 17.21.200, 17.21.220, 17.21.230, 17.21.290, and 17.21.310; amending section 17, chapter 249, Laws of 1961 as amended by section 1, chapter 107, Laws of 1963 and RCW 17.21.170; adding new sections to chapter 249, Laws of 1961 and to chapter 17.21 RCW; and prescribing penalties.

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

RCW 17.21.010 amended.

Section 1. Section 1, chapter 249, Laws of 1961 and RCW 17.21.010 are each amended to read as follows:

Pesticide application act. Purpose.

The application and the control of the use of various pesticides is important and vital to the maintenance of a high level of public health and welfare both immediate and future, and is hereby declared to be affected with the public interest. The provisions of this chapter are enacted in the exercise of the police power of the state for the purpose of protecting the immediate and future health and welfare of the people of the state.

RCW 17.21.020 amended.

Sec. 2. Section 2, chapter 249, Laws of 1961 and RCW 17.21.020 are each amended to read as follows:

Pesticide application act—Definitions.

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, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not, and every officer,

agent or employee thereof. This term shall import either the singular or plural as the case may be.

(4) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed and any form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest.

(5) "Pesticide" means, but is not limited to, (a) any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed and any other form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest, and (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and (c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used.

(6) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests or to destroy, control, repel or mitigate fungi, nematodes or such other pests, as may be designated by the director, but not including equipment used for the application of pesticides when sold separately therefrom.

(7) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate any fungi.

(8) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy,

Pesticide ap-  
plication act—  
Definitions.

repel or mitigate rodents or any other vertebrate animal which the director may declare to be a pest.

(9) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate any weed.

(10) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insects which may be present in any environment whatsoever.

(11) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(12) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or the produce thereof, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amendments.

(13) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(14) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(15) "Weed" means any plant which grows where not wanted.

(16) "Insect" means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class insects, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more

than six legs, as, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(17) "Fungi" means all nonchlorophyll-bearing thallophytes (that is, all nonchlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living man or other animals.

(18) "Snails or slugs" include all harmful mollusks.

(19) "Nematode" means any of the nonsegmented roundworms harmful to plants.

(20) "Apparatus" means any type of ground, water or aerial equipment, device, or contrivance using motorized, mechanical or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating or stored on or in such land, but shall not include any pressurized handsized household device used to apply any pesticide or any equipment, device or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application.

(21) "Restricted use pesticide" means any pesticide, including any highly toxic pesticide, which the director has found and determined, subsequent to a hearing, to be injurious to persons, pollinating insects, bees, animals, crops or lands other than the pests it is intended to prevent, destroy, control, or mitigate.

(22) "Engage in business" means any application of pesticides by any person upon lands or crops of another.

(23) "Forest land" means land bearing a merchantable stand of timber as defined in RCW 76.08.010 or land being held for the production of forest products.

Pesticide application act—  
Definitions.

(24) "Agricultural crop" means a food intended for human consumption, or a food for livestock the products of which are intended for human consumption, which food shall require cultural treatment of the land for its production.

(25) "Board" means the pesticide advisory board.

(26) "Land" means all land and water areas, including airspace, and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

RCW 17.21.070 amended.

Sec. 3. Section 7, chapter 249, Laws of 1961 and RCW 17.21.070 are each amended to read as follows:

Pesticide applicator's license—  
Required—  
Application date—Fee.

It shall be unlawful for any person to engage in the business of applying pesticides to the land of another without a pesticide applicator's license. Application for such a license shall be made on or before January 1st of each year. Such application shall be accompanied by a fee of fifty dollars and in addition thereto a fee of ten dollars for each apparatus, exclusive of one, used by the applicant in the application of pesticides: *Provided*, That the provisions of this section shall not apply to any person employed only to operate any apparatus used for the application of any pesticide, and in which such person has no financial interest or other control over such apparatus other than its day to day mechanical operation for the purpose of applying any pesticide.

RCW 17.21.080 amended.

Sec. 4. Section 8, chapter 249, Laws of 1961 and RCW 17.21.080 are each amended to read as follows:

Application for license.

Application for a pesticide applicator's license provided for in RCW 17.21.070 shall be on a form prescribed by the director and shall include the following:

(1) The full name of the person applying for such license.

(2) If the applicant is an individual, receiver, trustee, firm, partnership, association, corporation, or any other organized group of persons whether incorporated or not, the full name of each member of the firm or partnership, or the names of the officers of the association, corporation or group.

(3) The principal business address of the applicant in the state and elsewhere.

(4) The name of a person whose domicile is in the state, and who is authorized to receive and accept services of summons and legal notice of all kinds for the applicant.

(5) The model, make, horsepower, and size of any apparatus used by the applicant to apply pesticides.

(6) License classification or classifications the applicant is applying for.

(7) Any other necessary information prescribed by the director.

Sec. 5. Section 9, chapter 249, Laws of 1961 and RCW 17.21.090 are each amended to read as follows:

The director shall not issue a pesticide applicator's license until the applicant, if he is the sole owner of the business, or if there is more than one owner, the person managing the business, has passed an examination to demonstrate to the director (1) his knowledge of how to apply pesticides under the classifications he has applied for, manually or with the various apparatuses that he may have applied for a license to operate under the provisions of this chapter, and (2) his knowledge of the nature and effect of pesticides he may apply manually or with such apparatuses. The director shall charge an examination fee of five dollars when an examination is necessary before a license may be issued or when application for such license and examination is made at other than a regularly sched-

RCW 17.21.090  
amended.

Pesticide  
applicator's  
license—  
Examination.

Pesticide Ap-  
plication Act.

uled examination date as provided for by the direc-  
tor.

RCW 17.21.110  
amended.

Sec. 6. Section 11, chapter 249, Laws of 1961 and  
RCW 17.21.110 are each amended to read as follows:

Operator's  
license—Re-  
quired—Fee—  
Examination.

It shall be unlawful for any person to act as an  
employee of a pesticide applicator and apply pesti-  
cides manually or as the operator directly in charge  
of any apparatus which is licensed or should be  
licensed under the provisions of this chapter for the  
application of any pesticide, without having ob-  
tained an operator's license from the director. Such  
an operator's license shall be in addition to any  
other license or permit required by law for the op-  
eration or use of any such apparatus. Any person  
applying for such an operator's license shall file an  
application on a form prescribed by the director on  
or before January 1st of each year. Such application  
shall state the classifications the applicant is ap-  
plying for and whether the applicant intends to  
apply pesticides manually or to operate either a  
ground or aerial apparatus, or both, for the applica-  
tion of pesticides. Application for a license to apply  
pesticides manually and/or to operate ground appa-  
ratuses shall be accompanied by a license fee of ten  
dollars. Application for a license to operate an aerial  
apparatus shall be accompanied by a license fee of  
ten dollars. The provisions of this section shall not  
apply to any individual who has passed the exami-  
nation provided for in RCW 17.21.090, and is a li-  
censed pesticide applicator.

RCW 17.21.120  
amended.

Sec. 7. Section 12, chapter 249, Laws of 1961 and  
RCW 17.21.120 are each amended to read as follows:

Examination  
for operator's  
license—Fee.

The director shall not issue an operator's license  
before such applicant has passed an examination to  
demonstrate to the director (1) his ability to apply  
pesticides in the classifications he has applied for,  
manually or with the various apparatuses that he

may have applied for a license to operate, and (2) his knowledge of the nature and effect of pesticides applied manually or used in such apparatuses under such classifications. The director may renew any applicant's license under the classification for which such applicant is licensed, subject to examination for new knowledge that may be required to apply pesticides manually or with apparatuses the applicant has been licensed to operate. The director shall charge an examination fee of five dollars when an examination is necessary before a license may be issued and when application for such license and examination is made at other than a regularly scheduled examination date as provided for by the director.

Sec. 8. Section 15, chapter 249, Laws of 1961 and RCW 17.21.150 are each amended to read as follows:

RCW 17.21.150 amended.

The director may deny, suspend, or revoke a license provided for in this chapter if he determines that an applicant or licensee has committed any of the following acts, each of which is declared to be a violation of this chapter:

Pesticide applicator operator's license—  
Grounds for denial, suspension, revocation of license.

(1) Made false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized;

(2) Applied worthless or improper materials;

(3) Operated a faulty or unsafe apparatus;

(4) Operated in a faulty, careless, or negligent manner;

(5) Refused or neglected to comply with the provisions of this chapter, the rules adopted hereunder, or of any lawful order of the director;

(6) Refused or neglected to keep and maintain the records required by this chapter, or to make reports when and as required;

(7) Made false or fraudulent records, invoices, or reports;

Pesticide applicator's license—  
Grounds for denial, suspension, revocation of license.

(8) Operated an apparatus for the application of a pesticide without a licensed operator;

(9) Operated an unlicensed apparatus;

(10) Used fraud or misrepresentation in making an application for a license or renewal of a license;

(11) Is not qualified to perform the type of pest control under the conditions and in the locality in which he operates or has operated, regardless of whether or not he has previously passed an examination provided for in RCW 17.21.090 and 17.21.120;

(12) Aided or abetted a licensed or an unlicensed person to evade the provisions of this chapter, combined or conspired with such a licensed or an unlicensed person to evade the provisions of this chapter, or allowed one's license to be used by an unlicensed person;

(13) Made false, misleading or erroneous statements during or after an inspection concerning any infestation or infection of pests found on land; or

(14) Impersonated any state, county or city inspector or official.

RCW 17.21.160 amended.

Sec. 9. Section 16, chapter 249, Laws of 1961 and RCW 17.21.160 are each amended to read as follows:

Surety bond or insurance required.

The director shall not issue a pesticide applicator's license until the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond; or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of the operations of the applicant: *Provided*, That such surety bond or liability insurance policy need not apply to damages or injury to agricultural crops, plants or land being worked upon by the applicant. The director shall not accept a surety bond or liability insurance policy except from authorized insurers in this state or if placed as a surplus line as provided for in chapter 48.15 RCW, as enacted or hereafter amended.

Sec. 10. Section 17, chapter 249, Laws of 1961 as amended by section 1, chapter 107, Laws of 1963 and RCW 17.21.170 are each amended to read as follows:

RCW 17.21.170  
amended.

The amount of the surety bond or liability insurance as provided for in RCW 17.21.160 shall be not less than twenty-five 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 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 any reduction at the request of the applicant or cancellation of such 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 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 dollars for all other applicators for the total amount of liability insurance or surety bond required herein: *And provided further*, That if the applicant has not satisfied the requirement of the deductible amount in any prior legal claim such deductible clause shall not be accepted by the director unless such 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.

Amount of  
bond or  
insurance  
required—  
Notice of  
reduction or  
cancellation.

Sec. 11. Section 18, chapter 249, Laws of 1961 and RCW 17.21.180 are each amended to read as follows:

RCW 17.21.180  
amended.

The applicator's license shall, whenever the licensee's surety bond or insurance policy is reduced below the requirements of RCW 17.21.170, be automatically suspended until such licensee's surety

Bond or  
insurance  
changes—  
Effect on  
license.

Pesticide  
Applicator's  
Act.

bond or insurance policy again meets the requirements of RCW 17.21.170: *Provided*, That the director may pick up such licensee's license plates during such period of automatic suspension and return them only at such time as the said licensee has furnished the director with written proof that he is in compliance with the provisions of RCW 17.21.120.

RCW 17.21.200  
amended.

Sec. 12. Section 20, chapter 249, Laws of 1961 and RCW 17.21.200 are each amended to read as follows:

Farmer  
exemption.

The provisions of this chapter relating to licenses and requirements for their issuance shall not apply to any farmer owner of ground apparatus applying pesticides for himself or other farmers on an occasional basis not amounting to a principal or regular occupation: *Provided*, That such owner shall not publicly hold himself out as a pesticide applicator.

RCW 17.21.220  
amended.

Sec. 13. Section 22, chapter 249, Laws of 1961 and RCW 17.21.220 are each amended to read as follows:

Application of  
chapter to  
governmental  
entities.

(1) All state agencies, municipal corporations, and public utilities or any other governmental agency shall be subject to the provisions of this chapter and rules adopted thereunder concerning the application of restricted use pesticides by any person on their own crops or land: *Provided*, That the operators in charge of any apparatuses used by any state agencies, municipal corporations and public utilities or any governmental agencies shall be subject to the provisions of RCW 17.21.110 and 17.21.120 and the director shall issue a limited license without a fee to such operators which shall be valid only when such operators are acting as operators on apparatuses used by such entities: *Provided further*, That the jurisdictional health officer or his duly authorized representative is exempt from this licensing provision when applying pesticides to control pests other than weeds.

(2) Such agencies, municipal corporations and public utilities shall be subject to legal recourse by any person damaged by such application of any pesticide, and such action may be brought in the county where the damage or some part thereof occurred.

Sec. 14. Section 23, chapter 249, Laws of 1961 and RCW 17.21.230 are each amended to read as follows:

RCW 17.21.230  
amended.

There is hereby created a pesticide advisory board consisting of three licensed pesticide applicators residing in the state, one shall be licensed to operate ground apparatus, one shall be licensed to operate aerial apparatus, and one licensed for structural pest control, one entomologist in public service, one environmental health specialist from the Washington state department of health, one toxicologist in public service, one plant pathologist in public service, one member from the agricultural chemical industry, one member from the food processing industry, the supervisor of the grain and chemical division of the department and two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides. Such members shall be appointed by the governor for terms of four years and may be appointed for successive four year terms at the discretion of the governor. The governor may remove any member of the board prior to the expiration of his term of appointment for cause: *Provided*, That at the inception of this chapter the governor shall appoint three members which shall not include two members from any one representative group; for a period of two years, three members for a period of three years which shall not include two members from any one representative group; and four members for a period of four years which shall not include two members from any one representative

Agricultural  
pesticide  
advisory board  
—Composition  
—Terms.

Pesticide applicator's license.

group. All subsequent terms for appointments to such board shall be for a period of four years.

RCW 17.21.290 amended.

Sec. 15. Section 29, chapter 249, Laws of 1961 and RCW 17.21.290 are each amended to read as follows:

License plates for apparatuses.

All licensed apparatuses shall be identified by a license plate furnished by the director, at no cost to the licensee, which plate shall be affixed in a location and manner upon such apparatus as prescribed by the director. The licensee shall also place on two sides of each licensed apparatus so as to be readily visible to the public, letters not less than one inch high stating the classification or classifications for which such licensee is licensed.

RCW 17.21.310 amended.

Sec. 16. Section 34, chapter 249, Laws of 1961 and RCW 17.21.310 are each amended to read as follows:

General penalty.

Any person who shall violate any provisions or requirements of this chapter or rules adopted hereunder shall be deemed guilty of a misdemeanor and guilty of a gross misdemeanor for any second and subsequent offense: *Provided*, That any offense committed more than five years after a previous conviction shall be considered a first offense.

New section.

Sec. 17. There is added to chapter 249, Laws of 1961 and to chapter 17.21 RCW a new section to read as follows:

Classification of licenses.

The director may classify licenses to be issued under the provisions of this chapter, such classifications may include but not be limited to pest control operators, ornamental sprayers, agricultural crop sprayers or right of way sprayers; separate classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides. Each such classification shall be subject to separate testing procedures and requirements: *Provided*, That no person shall be required to pay an additional license fee if such person desires to be licensed in one or all of the license classifications

provided for by the director under the authority of this section, except as provided for in RCW 17.21.110.

Sec. 18. There is added to chapter 249, Laws of 1961 and to chapter 17.21 RCW a new section to read as follows: New section.

The provisions of chapter 17.21 RCW [chapter 249, Laws of 1961 as herein amended] shall not apply to any person using hand-powered equipment, devices, or contrivances to apply pesticides to lawns, or to ornamental shrubs and trees not in excess of twelve feet high, as an incidental part of his business of taking care of household lawns and yards for remuneration: *Provided*, That such person shall not publicly hold himself out as being in the business of applying pesticides. Landscape gardener exemption.

Sec. 19. There is added to chapter 249, Laws of 1961 and to chapter 17.21 RCW a new section to read as follows: New section.

The provisions of this chapter requiring all pest control operators, exterminators and fumigators to license with the department shall not preclude a city of the first class with a population of one hundred thousand people or more, or the county in which it is situated, from also licensing structural pest control operators, exterminators and fumigators operating within the territorial confines of said city or county: *Provided*, That when structural pest control operators, exterminators and fumigators are licensed by both such city of the first class and the county in which such city is situated, and there exists a joint county-city health department, then such joint county-city health department may enforce the provisions of such city and county as to the license requirements for said structural pest control operators, exterminators and fumigators. Licensing by cities of first class and counties not precluded.

Severability.

Sec. 20. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the provision to other persons or circumstances is not affected.

Passed the House January 30, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 178.

[Engrossed House Bill No. 633.]

SEWER DISTRICTS—LEASES.

AN ACT relating to sewer districts; authorizing the lease of real property owned or held by sewer districts; and adding new sections to chapter 210, Laws of 1941 and to chapter 56.08 RCW.

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

Sewer districts  
—Leases—  
Authority.

Section 1. Within the limitations prescribed by sections 2 through 5 of this 1967 amendatory act, a sewer district may lease out any real property held by it which is not necessary for its immediate use and purposes, and upon such terms and conditions as the board of sewer district commissioners deems proper, when and only after:

(1) In the case of real property, the board has by resolution declared the property, to be property for which there is a future need by the district and for which provision is made in the comprehensive plan of the sewer system of the district as it exists or may from time to time be revised, altered or amended.

Notice—  
Publication.

Sec. 2. No lease shall be made until the sewer district has first caused notice thereof, with full description by name of the proposed lessees, the pur-

pose for which the property is to be leased, the street address and location of the property, and a full legal description thereof as described in the records of the county auditor of the county wherein the property is located or situated, and the term for which the property is proposed to be leased, twice in a newspaper of general circulation within the sewer district. Such notice shall also include a date and place of hearing on the proposed lease, for the presentation by any and all persons interested therein of any legal objections thereto; and the first notice shall be published at least fifteen days prior to the execution of the lease, and the second at least seven days prior thereto.

Sec. 3. No such lease shall be made unless secured by a bond conditioned on the performance of the terms of the lease, with surety satisfactory to the commissioners, in a penalty of not less than one-sixth of the term of the lease or for one year's rental, whichever is greater; and no such lease shall be made for a term longer than twenty-five years.

Lease secured  
by bond.

Sec. 4. In cases involving leases of more than five years, the commissioners may in their discretion provide for and stipulate to acceptance of a bond conditioned on the performance of a part of the term for five years or more whenever it is further provided that the lessee must procure and deliver to the board of commissioners renewal bonds with like terms and conditions no more than two years prior nor less than one year prior to the expiration of each such bond during the entire term of the lease: *Provided*, That no such bond shall be construed to secure the furnishing of any other bond by the same surety or indemnity company.

Bonds.

Sec. 5. The commissioners may accept as surety on any bond required by sections 3 and 4 of this 1967 amendatory act an approved surety company,

Surety or  
property  
bonds.

or may accept in lieu thereof a secured interest in property of a value at least twice the amount of the bond required, conditioned further that in the event the commissioners determine that the value of the bond security has become or is about to become impaired, additional security shall be required from the lessee.

New chapter. Sec. 6. Sections 1 through 5 of this 1967 amendatory act are each added to chapter 210, Laws of 1941 and to chapter 56.08 RCW.

Passed the House March 2, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 179.

[House Bill No. 142.]

IRISH SEED POTATOES.

AN ACT relating to Irish seed potatoes; and amending section 15.50.020, chapter 11, Laws of 1961 and RCW 15.50.020.

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

RCW 15.50.020  
amended.

Section 1. Section 15.50.020, chapter 11, Laws of 1961 and RCW 15.50.020 are each amended to read as follows:

Irish seed  
potatoes—  
inspection  
and sale.

No person shall sell, offer for sale, hold for sale, barter, or trade or knowingly transport within this state any Irish potatoes either whole or in part for seed, propagating or reproduction purposes unless such potatoes are in new containers and are accompanied by a certificate stating that such potatoes were inspected by accepted methods and procedures and that at the time of inspection were found not to be infected with bacterial ring rot, powdery scab, blackwort, nematode, and/or more than one percent

net necrosis associated with leaf roll, and/or more than one percent blackleg and/or more than three percent deep pitted scab and/or the general infection of light scab affecting ten percent or more of the tubers by weight and/or any other insect, pests or plant disease or plant diseases which may impair or endanger the production of Irish potatoes in this state.

**NOTE:** See also section 31, chapter 240, Laws of 1967.

Passed the House January 17, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 180.

[Engrossed House Bill No. 6.]

### SMALL LOAN AGENCIES—CREDIT UNIONS.

AN ACT relating to loan agencies; and amending section 17, chapter 208, Laws of 1941 as amended by section 9, chapter 212, Laws of 1959 and RCW 31.08.200; amending section 3, chapter 23, Laws of 1957 and RCW 31.12.020; amending section 3, chapter 173, Laws of 1933 as amended by section 3, chapter 131, Laws of 1943, and RCW 31.12.050; amending section 12, chapter 173, Laws of 1933 as last amended by section 2, chapter 48, Laws of 1953, and RCW 31.12.160; amending section 13, chapter 173, Laws of 1933 as amended by section 11, chapter 131, Laws of 1943, and RCW 31.12.170; amending section 14, chapter 173, Laws of 1933 as last amended by section 2, chapter 138, Laws of 1959, and RCW 31.12.180; amending section 15, chapter 173, Laws of 1933 as last amended by section 3, chapter 138, Laws of 1959, and RCW 31.12.190; amending section 18, chapter 173, Laws of 1933 as amended by section 15, chapter 131, Laws of 1943, and RCW 31.12.220; amending section 19, chapter 173, Laws of 1933 as amended by section 16, chapter 131, Laws of 1943, and RCW 31.12.230; amending section 8, chapter 23, Laws of 1957 as amended by section 5, chapter 138, Laws of 1959, and RCW 31.12.245; amending section 11, chapter 23, Laws of 1957 as amended by section 1, chapter 38, Laws of 1965 extraordinary session, and RCW 31.12.270; amending section 12, chapter 23, Laws of 1957 as last amended by

section 2, chapter 38, Laws of 1965 extraordinary session, and RCW 31.12.280; amending section 13, chapter 23, Laws of 1957 as amended by section 8, chapter 138, Laws of 1959, and RCW 31.12.290; amending section 27, chapter 173, Laws of 1933 as amended by section 9, chapter 48, Laws of 1953, and RCW 31.12.330; and amending section 31, chapter 173, Laws of 1933 as last amended by section 10, chapter 48, Laws of 1953 and RCW 31.12.360.

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

RCW 31.08.200 amended.

Section 1. Section 17, chapter 208, Laws of 1941 as amended by section 9, chapter 212, Laws of 1959 and RCW 31.08.200 are each amended to read as follows:

Small loan companies—  
Interest rate controlled by chapter.

No person except as authorized by this chapter shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit of the amount or value of one thousand dollars or less.

The foregoing prohibition shall apply to any person who by any device, subterfuge, or pretense whatsoever shall charge, contract for, or receive greater interest, consideration, or charges than is authorized by this chapter for any such loan, use, or forbearance of money, goods, or things in action or for any such loan, use, or sale of credit.

Interest rates for small loans as described in RCW 31.08.160 are hereby declared to be the maximum rates permissible under the public policy of the state of Washington. With respect to any loan of the amount or value of one thousand dollars or less for which a greater rate of interest, consideration, or charges than is permitted by RCW 31.08.160 has been charged, contracted for, or received, the lender or his successor in interest shall not be entitled to

collect or receive in this state: (1) any principal, interest, consideration or charges whatsoever if any part of the loan transaction occurred in this state; or (2) any interest, consideration or charges in excess of that stated in RCW 31.08.160 if no part of the loan transaction occurred in this state.

Sec. 2. Section 3, chapter 23, Laws of 1957 and RCW 31.12.020 are each amended to read as follows:

RCW 31.12.020  
amended.

A credit union is a cooperative society incorporated for the twofold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest not to exceed one percent per month on the unpaid balance or the equivalent thereto, for provident, productive, and educational purposes.

Credit unions  
—Declaration  
of policy.

Sec. 3. Section 3, chapter 173, Laws of 1933 as amended by section 3, chapter 131, Laws of 1943, and RCW 31.12.050 are each amended to read as follows:

RCW 31.12.050  
amended.

A credit union shall be organized in the following manner:

Credit unions  
—Manner of  
organizing—  
Articles, ap-  
proval, filing  
—Appeal—  
Forms.

The applicants shall execute in quadruplicate articles of incorporation and bylaws by the terms of which they agree to be bound, which shall be submitted to and approved by the supervisor.

The articles of incorporation shall state:

(1) The name and location of the proposed credit union;

(2) The number of its directors, which shall not be less than five nor more than fifteen;

(3) The names, occupation and post office address of the subscribers to the articles of incorporation, and a statement of the number of shares which each has agreed to take; and

(4) The par value of the shares of the credit union, which shall be five dollars.

Credit unions  
—Manner of  
organizing—  
Articles, ap-  
proval, filing  
—Appeal—  
Forms.

When articles of incorporation complying with the foregoing requirements, together with duplicate copies of such bylaws, have been filed with the supervisor, he shall ascertain whether such articles of incorporation and bylaws of such credit union are consistent with the purposes of this chapter and whether the character, responsibility and general fitness of the persons named in such articles are such as to command confidence and warrant belief that the purpose of the proposed credit union will be honestly and efficiently conducted in accordance with the purpose of this chapter, and he shall further determine the economic advisability for such credit union, also taking into consideration all surrounding facts and circumstances pertaining to a successful operation of said credit union, and whether the proposed credit union is being formed for other than the legitimate objects covered by this chapter. After the supervisor shall have satisfied himself of the above facts, and within thirty days after receipt of such certificates and bylaws, he shall endorse upon each of the articles of incorporation his official signature with the word "approved" or the word "refused" with the date thereof. In case of refusal, he shall return one of the quadruplicate certificates so endorsed with a copy of the bylaws to the person from whom the same were received, which refusal shall be conclusive unless the incorporators, within ten days of the issuance of such notice of refusal, shall appeal to the superior court of the county in which the credit union is proposed to be located. In case an appeal is taken the supervisor shall prepare, certify and deliver to such credit union a copy of the order of refusal with any documents filed by the applicant, and upon such transcript of proceedings, with any testimony that may be offered by either party, the case shall be tried in the superior court to which the appeal is taken,

which shall be heard in the nature of a writ of review and summarily disposed of by the superior court upon such orders and proceedings as the judge may deem best and a judgment rendered, from which an appeal may be taken by either party to the supreme court; all conditioned that the appellant, upon taking the appeal, shall pay the reasonable charges for a transcript of the proceedings. In case of approval of the proposed corporation, the supervisor shall give notice thereof to the proposed incorporators, and shall file one of the quadruplicate articles of incorporation in his own office, and shall transmit another quadruplicate copy to the secretary of state, and shall return two quadruplicate copies and one of the duplicate bylaws of the incorporators. The incorporators shall file one of the quadruplicate copies with the county auditor of the county in which such credit union is to be located, with a filing fee of twenty-five cents.

Upon receipt from the proposed incorporators of a filing fee of five dollars the secretary of state shall file and record the articles of incorporation. Upon the filing of articles of incorporation, approved as aforesaid by the supervisor, with the secretary of state and county auditor, all persons named therein and their successors shall become and be a corporation, which shall have the powers and be subject to the duties and obligations prescribed by this chapter, and whose existence shall continue for the period not exceeding fifty years. In order to simplify the organization of credit unions the supervisor shall cause forms of articles of incorporation and bylaws to be prepared consistent with the provisions of this chapter, and upon written application of any seven residents of this state shall supply them without charge with blank forms of articles of incorporation and form of suggested bylaws.

RCW 31.12.160  
amended.

Sec. 4. Section 12, chapter 173, Laws of 1933 as last amended by section 2, chapter 48, Laws of 1953, and RCW 31.12.160 are each amended to read as follows:

Credit unions  
—Meetings—  
Voting rights.

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: *Provided*, That in any event, the application of not less than ten nor more than one hundred voting members of the corporation shall be required to call a special meeting. 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. 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.

RCW 31.12.170  
amended.

Sec. 5. Section 13, chapter 173, Laws of 1933 as amended by section 11, chapter 131, Laws of 1943, and RCW 31.12.170 are each amended to read as follows:

Directors—  
Qualifications  
—Numbers—  
Election—  
Terms.

The business and affairs of a credit union shall be managed by a board of not less than five directors. The directors shall be elected at the annual meetings. All members of the said board, as well as the officers, whom they may elect, shall be sworn to the faithful performance of their duties and shall

hold their several offices unless sooner removed as hereinafter provided, until their successors are qualified. A record of every such qualification shall be filed and preserved with the records of the corporation. Directors shall be elected for not less than one year nor more than three years, as the bylaws shall provide. If the term is more than one year, they shall be divided into classes, and an equal number, as nearly as may be, elected each year. If a director ceases to be a member of the credit union, his office shall thereupon become vacant. A director must have not less than one fully paid share to qualify.

Sec. 6. Section 14, chapter 173, Laws of 1933 as last amended by section 2, chapter 138, Laws of 1959, and RCW 31.12.180 are each amended to read as follows:

RCW 31.12.180  
amended.

The directors at their first meeting after the annual meeting shall elect from their own number a president, one or more vice presidents, 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 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. 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, which bond shall be filed with the supervisor.

Officers—  
Bonds.

RCW 31.12.190  
amended.

Sec. 7. Section 15, chapter 173, Laws of 1933 as last amended by section 3, chapter 138, Laws of 1959, and RCW 31.12.190 are each amended to read as follows:

Credit unions  
—Powers and  
duties of  
directors.

The board shall have the general direction of the affairs of the corporation and shall meet as often as may be necessary, but not less than once in each month. It shall act upon all applications for membership and upon the expulsion of members, determine the rate of interest on loans subject to the limitations herein, determine the rate of interest to be paid on deposits, which shall not exceed four percent per year, determine the types of security which shall be acceptable on loans subject to the limitations herein, and fill vacancies in the board and in such committees for which provision as to filling of vacancies is not made herein, until the next election. It shall make recommendations to the members relative to the need of amendments to the bylaws and other matters upon which it deems the members should act at any regular or special meeting. The board from time to time shall set the amount of shares and deposits which any one member may hold in the credit union, and set the amount which may be loaned, secured or unsecured, to any one member, all subject to the limitations contained in this chapter. At each annual, semiannual, or quarterly period the board may declare a dividend from net earnings, which shall be paid on all shares outstanding at the time of declaration, and which may be paid to members on shares withdrawn during the period. Shares which become paid up during the year shall be entitled to a proportional part of the dividend calculated from the first day of the month following such payment in full: *Provided*, That the board may compute such full shares if purchased on or before the tenth day of any month, as of the first day of the month. The board may

borrow money in behalf of the credit union, for the purpose of making loans, and the payment of debts or withdrawals. The aggregate amount of such loans shall not exceed thirty-three and one-third percent of the credit union's paid-in and unimpaired capital and surplus except with the approval of the supervisor. It may, by a two-thirds vote, remove from office any officer for cause; or suspend any member of the board, credit committee, or audit committee, for cause, until the next membership meeting, which meeting shall be held within fifteen days of the suspension, and at which meeting the suspension shall be acted upon by the members. The board shall make a written report to the members at each annual meeting.

Sec. 8. Section 18, chapter 173, Laws of 1933 as amended by section 15, chapter 131, Laws of 1943, and RCW 31.12.220 are each amended to read as follows:

RCW 31.12.220  
amended.

Before the payment of any dividend there shall be set apart as a guaranty fund not less than twenty percent of the net income which has accumulated during the next preceding dividend period, except as hereinafter provided, until such time as said guaranty fund and undivided profits shall equal ten percent of the outstanding loans and investments of the said credit union, and thereafter there shall be added to the guaranty fund at the end of each such period such percentage of the next income which has accumulated during that period as will result in at least maintaining such guaranty fund and undivided profits at such amount. All entrance fees shall be added to the guaranty fund at the close of the dividend period, and shall never exceed twenty-five cents for each member. The guaranty fund and the investments thereof shall be held to meet contingencies or losses in the business of the

Guaranty  
fund.

credit union, and shall not be distributed to its members, except in case of dissolution.

RCW 31.12.230  
amended.

Sec. 9. Section 19, chapter 173, Laws of 1933 as amended by section 16, chapter 131, Laws of 1943, and RCW 31.12.230 are each amended to read as follows:

Credit unions  
—Reserve  
fund.

The supervisor shall have the right to require a credit union to charge off or set up a reserve fund for such delinquent loans or other assets as in his opinion require such action.

RCW 31.12.245  
amended.

Sec. 10. Section 8, chapter 23, Laws of 1957 as amended by section 5, chapter 138, Laws of 1959, and RCW 31.12.245 are each amended to read as follows:

Loan officers—  
Powers.

The board of any credit union organized under this chapter whose assets are in excess of two hundred thousand dollars may appoint such loan officers as it deems advisable for the purpose of approving certain types of loans without further authorization from the credit committee. Credit unions with assets of two hundred thousand dollars or less may appoint such loan officers: *Provided*, That the supervisor has given his prior approval thereto. Such loan officers may be authorized to approve individually only the following types of loans without the approval of the credit committee:

(1) Personal loans to an amount not exceeding one thousand dollars, on the unendorsed or unsecured note of the borrower, and personal loans not exceeding one thousand five hundred dollars which are adequately secured in the judgment of a loan officer;

(2) Personal loans in excess of one thousand dollars so long as that amount of the loan exceeding one thousand dollars is secured by the borrower's pledged shares in the credit union;

(3) Personal loans refinancing loans previously made where the new loan balance will not exceed the loan balance originally authorized and the actual indebtedness is not increased by more than one thousand dollars.

Sec. 11. Section 11, chapter 23, Laws of 1957 as amended by section 1, chapter 38, Laws of 1965 extraordinary session, and RCW 31.12.270 are each amended to read as follows:

RCW 31.12.270 amended.

A credit union may make

Credit unions  
—Classes of  
loans—  
Preference—  
Term—  
Endorsers.

(1) Personal loans to its members secured by the note of the borrower;

(2) Loans to its members under the act of congress known as the "Higher Education Act of 1965", Nov. 8, 1965, Pub. L. 89-329 (20 USC sections 1001 to 1144 inc.);

(3) Loans to its members secured by a first security interest in a house trailer, as defined by RCW 82.50.010, owned by the member. All such loans must be amortized by weekly, semimonthly or monthly payments, which payments, including interest, shall be at the rate of not less than fifteen percent per year of the original principal. Such loans shall not exceed seventy-five percent of the purchase price or of the appraised value thereof, whichever is the lesser;

(4) Loans to its members secured by first mortgages or real estate contracts in which members are buyers if such mortgage or contract relates to real estate which is situated within the state; such real estate must be within fifty miles of the principal office of the credit union unless with prior approval of the supervisor; and

(5) Loans to other credit unions upon a two-thirds majority vote of the board: *Provided*, That the total amount of such loans does not exceed

Credit unions  
 —Classes of  
 loans—  
 Preference—  
 Term—  
 Endorsers.

twenty-five percent of the paid-in and unimpaired capital and surplus of the lending credit union.

Personal loans shall be given preference, and in the event there are not sufficient funds available to satisfy all loan applicants approved by the credit committee, further preference shall be given to the smaller loan. Each personal loan shall be payable within two years from the date thereof: *Provided*, That loans with satisfactory security may be made payable within five years from the date thereof. Each endorser of a note given as security for a personal loan shall be a resident of the state at the time the loan is made, unless he is a member of the credit union, and if he leaves the state, a new resident endorser shall be immediately provided or the loan shall be at once collectible.

RCW 31.12.280  
 amended.

Sec. 12. Section 12, chapter 23, Laws of 1957 as last amended by section 2, chapter 38, Laws of 1965 extraordinary session, and RCW 31.12.280 are each amended to read as follows:

Limits and  
 conditions of  
 personal loans.

Loans to any one member shall not exceed six thousand dollars without the permission of the supervisor and shall be limited as follows:

(1) To an amount not exceeding one thousand dollars on the unendorsed or unsecured note of the borrower;

(2) Loans to an individual or family community in excess of one thousand dollars must be adequately secured.

RCW 31.12.290  
 amended.

Sec. 13. Section 13, chapter 23, Laws of 1957 as amended by section 8, chapter 138, Laws of 1959, and RCW 31.12.290 are each amended to read as follows:

The total amount which a credit union may lend on the security of mortgages on, or contracts relating to, real estate shall not exceed the following limits:

(a) Ten percent of its total assets if its assets are under one hundred thousand dollars.

(b) Twenty percent of its total assets if its assets are over one hundred thousand dollars but under one million dollars.

(c) Thirty percent of its total assets if its assets are in excess of one million dollars.

All loans secured by mortgages or contracts on real estate shall be subject to the following restrictions:

(1) Loans secured by first mortgages shall be only on real estate improved by a home, a combination home and business building, or a two unit residential building in which the owner-borrower is the occupant of one unit; loans may be made for the construction of any such improvements. Additional parcels of noncontiguous, improved, habitable, residential real estate may be included in the same loan as such security together with the principal property.

(2) Any loans made on a real estate contract must be through warranty deed and assignment of the seller's interest, and the principal amount of the purchase price must have been reduced by twenty-five percent; the monthly payments must not be delinquent at time of the loan and the real estate must be such as would qualify for a mortgage loan under paragraph (1) hereof.

(3) The total amount which may be loaned on any one property or to any one family community borrower shall not exceed two and one-half percent of the assets of the credit union, or ten thousand dollars, whichever is greater, except with the prior approval of the supervisor. Such loan shall not exceed:

(a) Seventy-five percent of the appraised value of the real estate if there is located thereon a home only which is not over sixty months old and inciden-

Credit unions  
—Loans secured by real estate mortgages or contracts.

Credit unions  
—Loans se-  
cured by real  
estate  
mortgages or  
contracts.

tal out buildings, or if the loan is made for the construction or completion of such improvements, and

(b) Sixty percent of the appraised value of the real estate if there is located thereon other habitable buildings of a nature permitted under paragraph (1) hereof.

All taxes and assessments must be paid currently, and all such loans must be amortized within a maximum period of twenty years by weekly, semi-monthly or monthly payments, which payments, including interest, shall be at the rate of not less than seven and one-half percent per year of the original principal.

The real estate covered by any such mortgage or contract must be inspected and appraised by two appraisers each of whom has had two or more years experience in appraising real estate for loan purposes within the area in which the property is located. The credit union must have a policy of title insurance issued concurrently by an insurance company licensed to do business in the state of Washington, insuring the interest of the credit union in the real estate in the full amount of the loan, or must have an abstract brought up to date of the loan and certified by a practicing attorney; also with fire insurance covering at least the interest of the credit union.

RCW 31.12.330  
amended.

Sec. 14. Section 27, chapter 173, Laws of 1933 as amended by section 9, chapter 48, Laws of 1953, and RCW 31.12.330 are each amended to read as follows:

Expenses,  
limitation on.

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 five 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. 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.

Sec. 15. Section 31, chapter 173, Laws of 1933 as last amended by section 10, chapter 48, Laws of 1953, and RCW 31.12.360 are each amended to read as follows:

RCW 31.12.360  
amended.

If an officer of a credit union is, in the opinion of the supervisor, dishonest, inefficient, incapable of doing his work, or wilfully disobeying orders of the supervisor, or is in any way violating this chapter or the bylaws of the credit union, he may be suspended by the supervisor. The supervisor shall give the board of the credit union prompt notice of such suspension and promptly upon receipt thereof the board shall call a meeting of its members to consider the matter forthwith and give the supervisor at least seven days' notice of the time and place of such meeting. If the board shall find the supervisor's objection to be well founded, it shall remove such director, officer or employee immediately. In the event that the board of the credit union shall fail to remove such director, officer or employee, the supervisor may petition the superior court of the county wherein the principal office of the credit union is located, setting forth the reasons why such person should be removed. Such petition shall be answered by the credit union as in civil actions. Such cause shall be heard by the court de novo without the intervention of a jury and upon such hearing the

Credit unions  
—Suspension  
of officers—  
Supervisors to  
administer  
and enforce  
chapter.

Credit unions  
—Suspension  
of officers—  
Supervisors to  
administer  
and enforce  
chapter.

superior court shall enter its decision as to whether such person shall remain in or be removed from his position. The court shall make and enter specific findings of fact and conclusions of law and its decision shall be reviewable by the supreme court. The supervisor shall be charged with the administration and enforcement of this chapter, shall require each credit union to conduct its business in compliance therewith, and shall have power to commence and prosecute actions and proceedings to enforce the provisions of this chapter, to enjoin violations thereof, and to collect sums due the state of Washington from any credit union.

Severability.

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.

Application.

Sec. 17. The provisions of this 1967 amendatory act shall not apply to transactions entered into prior to the effective date hereof.

Passed the House March 8, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 181.

[Engrossed House Bill No. 69.]

## RECLAMATION BY STATE.

AN ACT relating to state reclamation; and adding a new section to chapter 158, Laws of 1919 and to chapter 89.16 RCW.

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

Section 1. There is added to chapter 158, Laws of 1919 and to chapter 89.16 RCW a new section to read as follows:

Notwithstanding any other provisions of this chapter, the director of conservation may, by written contract with a reclamation district, loan moneys from the reclamation fund to said district for use in financing a project of construction, reconstruction or improvement of district facilities, or a project of additions to such facilities. No such contract shall exceed fifty thousand dollars per project or a term of ten years, or provide for an interest rate of more than eight percent per annum. The director shall not execute any contract as provided in this section until he determines that the project for which the moneys are furnished is within the scope of the district's powers to undertake, that the project is feasible, that its construction is in the best interest of the state and the district, and that the district proposing the project is in a sound financial condition and capable of repaying the loan with interest in not more than ten annual payments. Any district is empowered to enter into a contract, as provided for in this section, and to levy assessments based on the special benefits accruing to lands within the district as are necessary to satisfy the contract, when a resolution of the governing body of the reclamation district authorizing its execution is approved by the body: *Provided*, That no district

New section.

State contracts with reclamation districts—Limitations.

shall be empowered to execute with the director any such contract during the term of any previously executed contract authorized by this section.

Passed the House February 22, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 182.

[House Bill No. 926.]

AERONAUTICS—AIRPORTS.

AN ACT relating to aeronautics and airports; and amending section 11, chapter 182, Laws of 1945, as amended by section 1, chapter 120, Laws of 1949 and RCW 14.08.200.

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

RCW 14.08.200  
amended.

Section 1. Section 11, chapter 182, Laws of 1945 as last amended by section 1, chapter 120, Laws of 1949 and RCW 14.08.200 are each amended to read as follows:

Municipal air-  
ports—Joint  
operation.

(1) All powers, rights and authority granted to any municipality in this chapter may be exercised and enjoyed by two or more municipalities, or by this state and one or more municipalities therein, acting jointly, either within or without the territorial limits of either or any of said municipalities and within or without this state, or by this state or any municipality therein acting jointly with any other state or municipality therein, either within or without this state: *Provided*, The laws of such other state permit such joint action.

(2) For the purposes of this section only, unless another intention clearly appears or the context otherwise requires, this state shall be included in the term "municipality," and all the powers conferred upon municipalities in this chapter, if not otherwise

conferred by law, are hereby conferred upon this state when acting jointly with any municipality or municipalities. Where reference is made to the "governing body" of a municipality, that term shall mean, as to the state, its director of aeronautics.

(3) Any two or more municipalities may enter into agreements with each other, duly authorized by ordinances or resolution, as may be appropriate, for joint action pursuant to the provisions of this section. Concurrent action by the governing bodies of the municipalities involved shall constitute joint action.

(4) Each such agreement shall specify its terms; the proportionate interest which each municipality shall have in the property, facilities and privileges involved, and the proportion of preliminary costs, cost of acquisition, establishment, construction, enlargement, improvement and equipment, and of expenses of maintenance, operation and regulation to be borne by each, and make such other provisions as may be necessary to carry out the provisions of this section. It shall provide for amendments thereof and for conditions and methods of termination; for the disposition of all or any part of the property, facilities and privileges jointly owned if said property, facilities and privileges, or any part thereof, shall cease to be used for the purposes herein provided or if the agreement shall be terminated, and for the distribution of the proceeds received upon any such disposition, and of any funds or other property jointly owned and undisposed of, and the assumption or payment of any indebtedness arising from the joint venture which remains unpaid, upon any such disposition or upon a termination of the agreement.

(5) Municipalities acting jointly as herein authorized shall create a board from the inhabitants of such municipalities for the purpose of acquiring

Municipal air-  
ports—Joint  
operation.

property for, establishing, constructing, enlarging, improving, maintaining, equipping, operating and regulating the airports and other air navigation facilities and airport protection privileges to be jointly acquired, controlled, and operated. Such board shall consist of members to be appointed by the governing body of each municipality involved, the number to be appointed by each to be provided for by the agreement for the joint venture. Each member shall serve for such time and upon such terms as to compensation, if any, as may be provided for in the agreement.

(6) Each such board shall organize, select officers for terms to be fixed by the agreement, and adopt and from time to time amend rules of procedure.

(7) Such board may exercise, on behalf of the municipalities acting jointly by which it is appointed, all the powers of each of such municipalities granted by this chapter, except as herein provided. Real property, airports, restricted landing areas, air protection privileges, or personal property costing in excess of a sum to be fixed by the joint agreement, may be acquired, and condemnation proceedings may be instituted, only by approval of the governing bodies of each of the municipalities involved; upon the approval of the governing body, or if no approval be necessary then upon the board's own determination, such property may be acquired by private negotiation under such terms and conditions as to the board may seem just and proper. The total amount of expenditures to be made by the board for any purpose in any calendar year shall be determined by the municipalities involved by the approval by each on or before the preceding December 1st, of a budget for the ensuing calendar year, which budget may be amended or supplemented by joint resolution of the municipalities involved during the

calendar year for which the original budget was approved. Rules and regulations provided for by RCW 14.08.120(2) shall become effective only upon approval of each of the appointing governing bodies. No real property and no airport, other navigation facility, or air protection privilege, owned jointly, shall be disposed of by the board by sale except by authority of all the appointing governing bodies, but the board may lease space, land area or improvements and grant concessions on airports for aeronautical purposes, or other purposes which will not interfere with the aeronautical purposes of such airport, air navigation facility or air protection privilege by private negotiation under such terms and conditions as to the board may seem just and proper, subject to the provisions of RCW 14.08.120(4). Subject to the provisions of the agreement for the joint venture, and when it shall appear to the board to be in the best interests of the municipalities involved, the board may sell any personal property by private negotiations under such terms and conditions as to the board may seem just and proper.

(8) Each municipality, acting jointly with another, pursuant to the provisions of this section is authorized and empowered to enact, concurrently with the other municipalities involved, such ordinances as are provided for by RCW 14.08.120(2), and to fix by such ordinances penalties for the violation thereof, which ordinances when so concurrently adopted, shall have the same force and effect within the municipalities and on any property jointly controlled by them or adjacent thereto, whether within or without the territorial limits of either or any of them, as ordinances of each municipality involved, and may be enforced in any one of said municipalities in like manner as are its individual ordinances. The consent of the state director of aeronautics to any such ordinance, where the state is a party to the

Municipal air-  
ports—Joint  
operation.

joint venture, shall be equivalent to the enactment of the ordinance by a municipality. The publication provided for in RCW 14.08.120(2), aforesaid, shall be made in each municipality involved in the manner provided by law or charter for publication of its individual ordinances.

(9) Condemnation proceedings shall be instituted, in the names of the municipalities jointly, and the property acquired shall be held by the municipalities as tenants in common. The provisions of RCW 14.08.030(2) shall apply to such proceedings.

(10) For the purpose of providing funds for necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which each of the municipalities involved shall deposit its proportionate share as provided by the joint agreement, such funds to be provided for by bond issues, tax levies and appropriations made by each municipality in the same manner as though it were acting separately under the authority of this chapter, and into which shall be paid the revenues obtained from the ownership, control and operation of the airports and other air navigation facilities jointly controlled, to be expended as provided in this chapter; revenues in excess of cost of maintenance and operating expenses of the joint properties to be divided or allowed to accumulate for future anticipated expenditures as may be provided in the original agreement, or amendments thereto, for the joint venture. The action of municipalities involved in heretofore permitting such revenues to so accumulate is declared to be legal and valid.

(11) All disbursements from such fund shall be made by order of the board in accordance with such rules and regulations and for such purposes as the appointing governing bodies, acting jointly, shall prescribe.

(12) Specific performance of the provisions of any joint agreement entered into as provided for in this section may be enforced as against any party thereto by the other party or parties thereto.

Passed the House March 2, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

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### CHAPTER 183.

[Engrossed House Bill No. 716.]

#### COMMUNITY COLLEGES—STUDY.

AN ACT relating to education.

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

Section 1. The state board for community college education is hereby directed to make a study of the priorities heretofore determined by the State Board of Education for establishing four new community colleges as follows: Lower Yakima Valley Community College, Spokane Valley Community College, Puyallup Community College, and Lake Washington Community College. In order to prepare the study and to carry out the provisions of this act, the state board for community college education is directed to obtain and consider all information compiled by the state board of education for the purpose of determining the priority to be applied with respect to the above proposed community colleges. The state board of education is hereby directed to assist the state board for community college education by making available to the latter board all information compiled by the state board of education relative to the priority to be assigned to each location. The study by the state board for community college education shall be completed by September 1, 1967.

Community colleges—  
Study of  
priorities for  
new locations.

Community colleges—  
Study of priorities for new locations.  
Expenditure authorized.

Sec. 2. From any amounts which may be appropriated for the operation of community colleges in the general appropriations act of the state, the state board for community college education is hereby authorized to spend up to \$50,000 for the purpose of preparing the necessary preliminary planning and organization essential to the commencement of operations of each of the proposed community colleges described in section 1 of this act.

Passed the House March 2, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 184.

[House Bill No. 866.]

DIKING, DRAINAGE, AND SEWERAGE IMPROVEMENT DISTRICTS.

AN ACT relating to diking, drainage, and sewerage improvement districts; prescribing a method to pay for maintenance costs of such districts; defining terms; providing for an assessment roll and levies; prescribing powers, duties and functions of the board of improvement districts and the boards of county commissioners in relation thereto; prescribing a method of review; adding a new chapter to Title 85 RCW; authorizing the imposition of assessments upon Indian lands where such Indian lands overlap and are benefited by diking and drainage districts; adding new sections to chapter 85.05 RCW; and declaring an emergency.

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

New chapter.

Section 1. There is added to Title 85 RCW a new chapter to read as set forth in sections 2 through 20 of this act.

Sec. 2. The maintenance, enlargement and extension of diking, drainage and sewerage improvement districts formed under chapter 85.08 RCW is essen-

tial to the public welfare and economy of the state. The influx of population and changes in land use since many such districts were formed, has made obsolete, expensive and unjust the method used under existing law to provide funds for the operation of such districts and for the maintenance and expansion of their systems of improvement.

Diking, drainage, sewerage improvement districts—  
Maintenance and expansion  
—Declaration of purpose.

Sec. 3. As used in this chapter:

Definitions.

“District” means a diking, drainage or sewerage improvement district organized under chapter 85.08 RCW.

“Maintenance” means and includes not merely operating expenses and such upkeep and other work commonly classed as maintenance as shall be necessary to restore and preserve the district’s systems of improvement and the machinery and equipment operated in connection therewith in the same or as good condition as when originally constructed and installed, but also the making of such changes in and betterments to the original works, improvements and installations as shall, subject to approval of the board of county commissioners, be by the board deemed necessary to put the systems of improvements into such condition as will provide protection and services as contemplated and intended by the original construction and any enlargement and extensions thereof thereafter made.

Sec. 4. To operate under this chapter, the board of commissioners of the improvement district shall cause to be prepared and filed with the board of county commissioners a property roll. The roll shall contain: (1) A description of all properties benefited and improvements thereon which receive protection and service from the systems of the district with the name of the owner or the reputed owner thereof and his address as shown on the tax rolls of the assessor or treasurer of the county

Diking, drainage, sewerage improvement districts—  
Property roll  
—Basis and requisites—  
Prior indebtedness.

Diking, drainage, sewerage improvement districts—  
Property roll—  
Basis and requisites—  
Prior indebtedness.

wherein the property is located, and (2) the determined value of such land and improvements thereon as last assessed and equalized by the assessor of such county or counties. Such assessed and equalized values shall be deemed prima facie to be just, fair and correct valuations against which annual millage shall be levied for the operation of the district and the maintenance and expansion of its facilities.

If property outside of the limits of the original district are upon the roll as adopted ultimately, and the original district has outstanding bonds or long-term warrants, the board of county commissioners shall set up separate millage levies for the full retirement thereof.

Public hearing—  
Notice, publication.

Sec. 5. When a property roll is filed with the board of county commissioners, the board shall hold a public hearing to determine whether the facts and conditions heretofore recited in this chapter as a prerequisite to its application do or do not exist, and shall give notice of hearing as follows:

The notice shall be published at least three times in consecutive issues in a weekly newspaper, or once a week for three consecutive weeks in a daily newspaper, published in or near said district, and if there is more than one such paper, then in some paper chosen by the board of county commissioners having general circulation in the area involved. The last publication shall be more than fifteen days prior to date of hearing.

Written objections—  
Filing—  
Grounds—  
Waiver.

Sec. 6. Any person, owner or reputed owner having any interest in any property against which the board of county commissioners seeks to make a protection and service charge under this chapter, may object thereto. All such objections must be in writing and filed with the board of county commissioners before the hearing is commenced upon the roll containing such properties and must state clearly

the grounds of such objection. Objections not made within this time and in this manner shall be deemed conclusively to have been waived.

Sec. 7. The board of county commissioners may at any time reexamine the properties on any roll, and upon receipt of a petition from the board of supervisors of the district or the written request of a property owner shall do so. If it is found that the condition of such property or properties has changed so that such property should be eliminated from any rolls on file, or the valuation against which millage is levied should be lowered, it shall so determine and enter an order adjusting the valuation as to such properties and shall certify and file a copy thereof with the treasurer of the county wherein the property is situated, and the treasurer shall alter and change the existing rolls accordingly. Valuations may be revised periodically to reflect changes in real property valuations by the county assessor.

Reexamination—Adjustment—Periodic revision of valuations.

Sec. 8. The roll approved and certified to the county officers by the board of county commissioners as in this chapter provided shall constitute the valuations of land, buildings and improvements furnished protection and services by the systems of the district against which valuation millage shall be levied and collected annually in the same manner as general taxes for the continuing operations of the district and its systems. The valuations on said roll shall be subject to adjustment from time to time in the manner provided in section 7 of this chapter.

—Roll constitutes valuation—Hearing on adjustment.

The board of county commissioners shall hold a hearing on such adjustments at the county seat at the time of equalization of real property assessments for the purpose of considering written objections to any revision of valuations filed at least ten days prior to the hearing and shall give published notice only of such hearing as provided in section 5 of this chapter.

Diking, drainage, sewerage improvement districts—Roll and proceedings conclusive—Remedies.

Sec. 9. Wherever any roll shall have been adopted by the board of county commissioners, the regularity, validity and correctness of the proceedings relating thereto shall be conclusive upon all parties, and it cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to the roll as provided in section 6 of this chapter and appealing from the action of said board in confirming the roll in the manner and within the time in this chapter provided. No proceeding of any kind, except proceedings had throughout the process of appeal as in this chapter provided, shall be commenced or prosecuted or may be maintained, for the purpose of defeating or contesting any assessment or charge made through levies under this chapter, or the sale of any property to pay such charges: *Provided*, That suit in injunction may be brought to prevent collection of charges of assessments or sale of property thereunder upon the following grounds and no other:

- (1) That the property charged or about to be sold does not appear upon the district roll, or
- (2) The charge has been paid.

Judicial review.

Sec. 10. The decision of the board of county commissioners upon any objection made within the time and in the manner prescribed may be reviewed by the superior court of the county wherein the property in question is located, upon appeal thereto taken in the following manner: Any person aggrieved must file his petition for writ of review with the clerk of the superior court wherein the property is located within ten days after the roll affecting such aggrieved party was adopted by resolution, and serve a copy thereof upon the county treasurer. The petition shall describe the property in question, shall set forth the written objections which were made to the decision, and the date of filing of such objections, and shall be signed by such party or someone in his

behalf. The court shall forthwith grant such petition if correct as to form and filed in accordance with this chapter.

Sec. 11. Within ten days from the filing of such petition for review, the county treasurer, unless the court shall grant additional time, shall file with the clerk of the superior court its certified transcript containing such portion of the roll as is subject to review, any written objections thereto filed with the board by the person reviewing before the roll was adopted, and a copy of the resolution adopting the roll.

Transcript—  
Contents—  
Filing.

Sec. 12. The county clerk shall charge the same filing fees for petitions for review as in civil actions. At the time of the filing of such a petition with the clerk, the appellant shall execute and file a bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of the court, conditioned upon his prosecuting his appeal without delay and to guarantee all costs which may be assessed against him by reason of such review. The court shall, on motion of either party to the cause, with notice to the other party, set the cause for trial at the earliest time available to the court, fixing a date for hearing and trial without a jury. The cause shall have preference over all civil actions pending in the court except eminent domain and forcible entry and detainer proceedings.

Appeal—  
Filing fees—  
Bond—  
Priority of  
cause.

Sec. 13. At the trial the court shall determine whether the board of county commissioners has acted within its discretion and has correctly construed and applied the law. If it finds that it has, the finding of the board shall be affirmed; otherwise it shall be reversed or modified. The judgment of the court may change, confirm, correct, or modify the values of the property in question as shown upon the roll, and a certified copy thereof shall be

Appeal—  
Scope—  
Judgment.

filed with the county treasurer, who shall change, modify, or correct the roll as and if required by the judgment.

Diking, drainage, sewerage improvement districts—Assessment roll—Appeal to supreme court.

Sec. 14. An appeal shall lie to the supreme court from the superior court as in other civil cases: *Provided*, That such appeal must be taken within fifteen days after the date of entry of the judgment of the superior court. The supreme court may change, conform, correct, or modify the values of the property in question as shown upon the roll. A certified copy of any judgment of the supreme court shall be filed with the county treasurer having custody of such roll, who shall thereupon change, modify, or correct such roll in accordance with such judgment as and if required.

Levy for continuous benefits.

Sec. 15. The millage levies collected from time to time under this chapter are solely assessments for benefits received continuously by the protected properties, calculated in the manner specified in this chapter as a just and equitable way for all protected property to share the expense of such required protection and services.

Annual estimate of costs—Levy added to general taxes—Delinquencies—Disposition of revenues.

Sec. 16. The board of any improvement district proceeding under this chapter shall, on or before the first day of September of each year, make an estimate of the costs reasonably anticipated to be required for the effective functioning of the district during the ensuing year and until further revenue therefor can be made available, and shall cause its chairman or secretary to file the same with the board of county commissioners of the county containing the district and other benefited area. The board of county commissioners shall, on or before the first Monday in October next ensuing, certify the amount of the district's estimate, or such amount as it shall deem advisable, to the county treasurer. The amount so certified shall be applied

by the regular taxing agencies against the benefit valuation of lands, buildings and improvements as shown by the then current complete roll of such properties certified to and filed with such county treasurer by the board of county commissioners. When thus levied, the amount of assessment produced thereby shall be added by the general taxing authorities to the general taxes against said lands and collected therewith as a part thereof. If unpaid, any delinquencies in such assessments shall bear interest at the same rate and in the same manner as general taxes and they shall be included in and be made a part of any general tax foreclosure proceedings, according to the provisions of law with relation to such foreclosures. As assessment collections are made, the county treasurer shall credit the same to the funds of the district.

Sec. 17. In the case of an emergency or disaster occurring after the time of making the annual estimate of costs, declared to be such by resolution of the board, the board of the district may incur additional obligations and issue valid warrants therefor in excess of such estimate, in the manner provided by law for issuance of warrants by districts and the servicing thereof. All such warrants so issued shall be valid and legal obligations of the district and its taxable lands and improvements as shown upon the then current roll of the district filed with the county treasurer.

Emergency  
expenditures  
—Warrants.

Sec. 18. Any diking, drainage, or sewerage improvement district operating under this chapter shall not use concurrently the processes provided for raising revenue for maintenance purposes under any other law: *Provided*, That any other method of raising such revenue provided by law may be used concurrently for the sole purpose of extinguishing indebtedness incurred before the district adopts the

Concurrent  
use of other  
methods of  
raising reve-  
nues.

procedures of this chapter, and no funds raised hereunder shall be used to pay such prior indebtedness.

Diking, drainage, sewerage improvement districts—Authority to annex systems created by U.S. after legislation by congress.

Sec. 19. Notwithstanding the provisions of RCW 85.05.020, any diking or drainage district or diking and drainage district organized pursuant to chapter 85.05 RCW as now or hereafter amended, may annex and assume, or such district may be organized for the purpose of assuming, and may take over, maintain, operate and extend any diking and drainage systems which have been heretofore erected and operated or may be hereafter erected and operated by the government of the United States of America or any political subdivision or agency thereof, whenever the congress of the United States by permissive legislation authorizes the transfer of maintenance and operations functions to state and local nonfederal agencies.

Indian trust lands and restricted lands may be included.

Sec. 20. Any district organized pursuant to section 1 of this 1967 act or pursuant to any other provisions of chapter 85.05 RCW as now or hereafter amended may include any Indian trust lands and restricted lands whenever the congress of the United States (1) authorizes the inclusion of such lands in such district and (2) provides authority for such district to assess and to tax such lands for necessary expenses in the maintenance, operations and capital improvements on such diking and drainage system.

Vesting of rights, etc. upon annexation.

Sec. 21. Whenever the congress of the United States provides for the transfer of all right, title and interest to any dikes and to the lands upon which they are situated to any state or local nonfederal agency, the title to such land and to the dikes shall pass to the county wherein the dikes are situated for the use and benefit of any district which may be organized pursuant to section 1 of this 1967 act or

pursuant to any other provisions of chapter 85.05 RCW as now or hereafter amended, until completion of organization of such district. In any case in which a district has been organized, all right, title and interest to such lands and dikes shall vest immediately in the diking and drainage district.

Sec. 22. For purposes of this 1967 act:

Definitions for  
1967 act.

(1) The word "owner" as it appears in chapter 85.05 RCW shall include the owner of any undivided interest in any tract of land within the district boundaries, whether Indian trust land or restricted land, or non-Indian land;

(2) The "acreage" owned by any owner in any undivided estate interest shall be computed by multiplying the owner's fractional undivided interest against the total acreage embraced within a particular tract or lot assessed; and

(3) The names of the owners of Indian lands, the size of Indian tracts and lots, the fractional undivided interest therein and the "acreage" of each owner as determined according to the provisions of subsection (2) of this section shall, in any proceeding to organize and operate a district under the provisions of section 1 of this 1967 act or pursuant to any other provision of chapter 85.05 as now or hereafter amended, be conclusively determined by the certificate of the superintendent of the Indian agency of the Bureau of Indian Affairs having supervision over the Indian reservation in which such Indian lands may be located or by the certificate of the area director over the Bureau of Indian Affairs area encompassing such lands; and such certificate shall be accepted in lieu of all other evidence in the records of the county in which such lands are situated.

Sec. 23. The acts and resolutions of all boards of county commissioners heretofore authorizing the organization and operation of any diking and drainage

Ratification  
of prior acts.

districts, following any provisions of chapter 85.05 RCW, and the acts and resolutions of all diking and drainage districts heretofore organized following acts of congress permitting the taking over and operation and maintenance of existing diking and drainage systems by the state and local nonfederal governmental agencies, are ratified and confirmed.

**Codification.** Sec. 24. Sections 19 through 23 of this 1967 act are each added to chapter 85.05 RCW.

**Severability.** Sec. 25. If any provision of this 1967 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.

**Emergency.** Sec. 26. This 1967 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, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 185.

[House Bill No. 554.]

## RETIREMENT OF PERSONNEL IN CERTAIN FIRST CLASS CITIES.

AN ACT relating to municipal corporations; amending section 2, chapter 207, Laws of 1939 as amended by section 1, chapter 91, Laws of 1963 and RCW 41.28.010; amending section 5, chapter 207, Laws of 1939 and RCW 41.28.040; amending section 13, chapter 207, Laws of 1939 and RCW 41.28.120; amending section 14, chapter 207, Laws of 1939, as amended by section 1, chapter 260, Laws of 1961 and RCW 41.28.130; and amending section 18, chapter 207, Laws of 1939, as amended by section 3, chapter 91, Laws of 1963, and RCW 41.28.170.

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

Section 1. Section 2, chapter 207, Laws of 1939, as amended by section 1, chapter 91, Laws of 1963 and RCW 41.28.010, are each amended to read as follows:

RCW 41.28.010 amended.

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:

Employee retirement—First class cities—Definitions.

(1) "Retirement system" shall mean "employees' retirement system", provided for in RCW 41.28.020.

(2) "Employee" shall mean any regularly appointed officer or regularly appointed employee of a first class city as described in RCW 41.28.005, whose compensation in such employment is paid wholly by that city.

(3) "Member" shall mean any person included in the membership of the retirement system as provided in RCW 41.28.030.

(4) "City" shall mean any city of the first class as described in RCW 41.28.005.

(5) "Board" shall mean "board of administration" as provided in RCW 41.28.080.

Employee  
retirement—  
First class  
cities—Defini-  
tions.

(6) "Retirement fund" shall mean "employees' retirement fund" as created and established in RCW 41.28.070.

(7) "City service" shall mean service rendered to city for compensation, and for the purpose of this chapter, a member shall be considered as being in city service only while he is receiving compensation from the city for such service.

(8) "Prior service" shall mean the service of a member for compensation rendered to the city prior to July 1, 1939, and shall also include military or naval service of a member to the extent specified in RCW 41.28.050.

(9) "Continuous service" shall mean uninterrupted employment by that city, except that discontinuance of city service of a member caused by layoff, leave of absence, suspension, or dismissal, followed by reentrance into city service within one year, shall not count as a break in the continuity of service: *Provided*, That for the purpose of establishing membership in the retirement system continuous service shall mean six months' service in any one year.

(10) "Beneficiary" shall mean any person in receipt of a pension, annuity, retirement allowance, disability allowance, or any other benefit provided in this chapter.

(11) "Compensation" shall mean the compensation payable in cash, plus the monetary value, as determined by the board of administration, of any allowance in lieu thereof.

(12) "Compensation earnable" by a member shall mean the average compensation as determined by the board of administration upon the basis of the average period of employment of members in the same group or class of employment and at the same rate of pay.

(13) "Final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive five-year period of service for which service credit is allowed.

(14) "Normal contributions" shall mean contributions at the rate provided for in RCW 41.28.040 (1).

(15) "Additional contributions" shall mean the contributions provided for in RCW 41.28.040(4).

(16) "Regular interest", unless changed by the board of administration as provided in RCW 41.28.060, shall mean interest at four percent per annum, compounded annually.

(17) "Accumulated normal contribution" shall mean the sum of all normal contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

(18) "Accumulated additional contributions" shall mean the sum of all the additional contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

(19) "Accumulated contributions" shall mean accumulated normal contributions plus accumulated additional contributions.

(20) "Pension" shall mean payments derived from contributions made by the city as provided for in RCW 41.28.130 and 41.28.150.

(21) "Annuity" shall mean payments derived from contributions made by a member as provided in RCW 41.28.130 and 41.28.150.

(22) "Retirement allowance" shall mean the pension plus the annuity.

(23) "Fiscal year" shall mean any year commencing with January 1st, and ending with December 31st, next following.

Employee  
retirement—  
First class  
cities—Defini-  
tions.

(24) "Creditable service" shall mean such service as is evidenced by the record of normal contributions received from the employee plus prior service if credit for same is still intact or not lost through withdrawal of accumulated normal contributions as provided in RCW 41.28.110.

RCW 41.28.040  
amended.

Sec. 2. Section 5, chapter 207, Laws of 1939, and RCW 41.28.040 are each amended to read as follows:

Rates of con-  
tribution—  
Members.

(1) The normal rate of contribution of members shall be those adopted by the board of administration, subject to the approval of the city council or city commission, and for the first five-year period such rates shall be based on sex and on age of entry into the retirement system, which age shall be the age at the birthday nearest the time of entry into the system. The rates so adopted shall remain in full force and effect until revised or changed by the board of administration in the manner provided in RCW 41.28.060. The normal rates of contribution shall be so fixed as to provide an annuity which, together with the pension provided by the city, shall give as nearly as may be a retirement allowance at the age of sixty-two years of one and one-third percent of the final compensation multiplied by the number of years of service of the retiring employee. The normal rate established for age sixty-one shall be the rate for any member who has attained a greater age before entry into the retirement system. The normal rate of contribution for age twenty shall be the rate for any member who enters the retirement system at an earlier age.

(2) Subject to the provision of this chapter, the board of administration shall adopt rules and regulations governing the making of deductions from the compensation of employees and shall certify to the head of each office or department the normal rate of contribution for each member provided for in subdi-

vision (1) of this section. The head of the department shall apply such rate of contribution, and shall certify to the city comptroller on each and every payroll the amount to be contributed and shall furnish immediately to the board a copy of each and every payroll; and each of said amounts shall be deducted by the city comptroller and shall be paid into the retirement fund, hereinafter provided for, and shall be credited by the board together with regular interest to an individual account of the member for whom the contribution was made.

Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his salary or compensation. Payment less said contribution shall be a full and complete discharge of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except his claim to the benefits to which he may be entitled under the provisions of this chapter.

(3) At the end of each payroll period, the board shall determine the aggregate amount of the normal contributions for such period, and shall certify such aggregate to the city comptroller, who shall thereupon transfer to the retirement fund, hereinafter provided for, from the money appropriated for that purpose in the budget for the fiscal year, an amount equal to the aggregate normal contributions for the period received from members.

(4) Any member may elect to contribute at rates in excess of those provided for in subdivision (1) of this section, for the purpose of providing additional benefits, but the exercise of this privilege by a member shall not place on the city any additional financial obligation. The board of administration, upon application, shall furnish to such member information concerning the nature and

amount of additional benefits to be provided by such additional contribution.

RCW 41.28.120  
amended.

Sec. 3. Section 13, chapter 207, Laws of 1939, and RCW 41.28.120 are each amended to read as follows:

Employee  
retirement—  
First class  
cities—Retire-  
ment for  
service.

Retirement of member for service shall be made by the board of administration as follows:

(1) Each member in the city service on the effective date of this 1967 amendatory act, who, on or before such effective date, has attained the age of sixty-five years or over, shall be forthwith retired on the first day of the calendar month next succeeding the month in which the employee shall have attained the age of sixty-five: *Provided*, That none of such members shall be subject to compulsory retirement for a period of five years following said effective date, but during such period any member having attained the age of sixty-five may voluntarily retire after attaining such age. Members attaining the age of sixty-five after the effective date shall be retired on the first day of the calendar month next succeeding the month in which the member shall have attained the age of sixty-five, but none of such members shall be subject to compulsory retirement until five years after said effective date: *Provided, further*, That any member attaining the age of seventy years during said five year period shall be forthwith retired on the first day of the calendar month next succeeding the month in which the employee shall have attained the age of seventy years, except as otherwise provided in this act. The board shall extend the time of retirement for any member hired prior to the effective date of this act so as to enable said member to qualify for retirement benefits under this act, but in no event should such extension extend beyond the age of seventy years.

(2) Any member in the city service may retire by filing with the board a written application, stating when he desires to be retired, such application

to be made at least thirty days prior to date of retirement: *Provided, however,* That said member, at the time specified for his retirement, shall have completed ten years of city service as defined in this chapter, and shall have attained the age of fifty-seven years, or shall have completed thirty years of city service as defined in this chapter. Permanent discontinuance of city service after age of fifty-seven shall entitle the member to his retirement allowance: *Provided,* That such employee has had at least ten years of city service to his credit: *And provided further,* That permanent discontinuance of city service after the completion of thirty years of city service shall entitle the member to his retirement allowance.

Sec. 4. Section 14, chapter 207, Laws of 1939, as amended by section 1, chapter 260, Laws of 1961 and RCW 41.28.130, are each amended to read as follows:

RCW 41.28.130  
amended.

(1) A member, upon retirement from service, shall receive a retirement allowance subject to the provisions of paragraph (2) of this section, which shall consist of:

Employee  
retirement—  
First class  
cities—Service  
retirement  
allowances.

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement.

(b) A pension purchased by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member.

(c) For any member having credit for prior service an additional pension, purchased by the contributions of the city equal to one and one-third percent of the final compensation, multiplied by the number of years of prior service credited to said member, except that if a member shall retire before attaining the age of sixty-two years, the additional pension shall be reduced to an amount which shall be equal to a lesser percentage of final compensa-

Employee retirement—  
First class cities—Service retirement allowances.

tion, multiplied by the number of years of prior service credited to said member, which lesser percentage shall be applied to the respective ages of retirement in accordance with the following tabulation:

Retirement age	Percentage
62 .....	1.333
61 .....	1.242
60 .....	1.158
59 .....	1.081
58 .....	1.010
57 .....	0.945
56 .....	0.885
55 .....	0.829
54 .....	0.778
53 .....	0.731
52 .....	0.687
51 .....	0.646
50 .....	0.608

(2) If the retirement allowance of the member as provided in this section, exclusive of any annuity purchased by his accumulated additional contributions, is in excess of two-thirds of his final salary, the pension of the member, purchased by the contributions of the city, shall be reduced to such an amount as shall make the member's retirement allowance, exclusive of any annuity purchased by his accumulated additional contributions, equal to two-thirds of his final salary, and the actuarial equivalent of such reduction shall remain in the retirement fund to the credit of the city: *Provided*, That the retired member will be granted a cost of living increase, in addition to the allowance provided in this section, of one percent commencing January 1, 1968 and an additional one percent on the first day of each even-numbered year thereafter if the U. S. Bureau of Labor Statistics' Cost of Living Index has increased one percent or more since the last cost of

living increase in the member's retirement allowance; such increases shall apply only to retirement allowances approved on or after January 1, 1967.

Sec. 5. Section 18, chapter 207, Laws of 1939, as amended by section 3, chapter 91, Laws of 1963, and RCW 41.28.170 are each amended to read as follows:

RCW 41.28.170  
amended.

(1) A member may elect to receive, in lieu of the retirement allowance provided for in RCW 41.28.130, its actuarial equivalent in the form of a lesser retirement allowance, payable in accordance with the terms and conditions of one of the options set forth below in this section. Election of any option must be made by written application filed with the board of administration at least thirty days in advance of retirement as provided in RCW 41.28.120, and shall not be effective unless approved by the board prior to retirement of the member.

Employee  
retirement—  
First class  
cities—Op-  
tional allow-  
ances.

Option A. The lesser retirement allowance shall be payable to the member throughout his life: *Provided*, That if he die before he receive in annuity payments referred to in RCW 41.28.130 (1), (a), a total amount equal to the amount of his accumulated contributions as it was at the date of his retirement, the balance of such accumulated contributions shall be paid in one sum to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the board.

Option B. The lesser retirement allowance shall be payable to a member throughout his life: *Provided*, That if he die before he receive in annuity payments referred to in RCW 41.28.130 (1), (a), a total amount equal to the amount of his accumulated contributions as it was at the date of his retirement, the said annuity payments resulting from his accumulated contributions shall be continued and paid to his estate or such person, having an insurable interest in his life, as he shall nominate by writ-

Employee  
retirement—  
First class  
cities—  
Optional  
allowances.

ten designation duly executed and filed with the board until the total amount of annuity payments shall equal the amount of his accumulated contributions as it was at the date of his retirement.

Option C. The member shall elect a "guaranteed period" of any number of years. If he dies before the lesser retirement allowance has been paid to him for the number of years elected by him as the "guaranteed period", the lesser retirement allowance shall be continued to the end of the "guaranteed period", and during such continuation shall be paid to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the board.

Option D. The lesser retirement allowance shall be payable to the member throughout life, and after the death of the member, one-half of the lesser retirement allowance shall be continued throughout the life of and paid to the wife or husband of the member.

Option E. The lesser retirement allowance shall be payable to the member throughout life, and after death of the member it shall be continued throughout the life of and paid to the wife or husband of the member.

Passed the House February 22, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 186.

[House Bill No. 101.]

PESTICIDE POISONS.

AN ACT relating to the regulation of pesticide poisons; and repealing section 1, chapter 127, Laws of 1951 and RCW 17.16.140.

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

Section 1. Section 1, chapter 127, Laws of 1951 and RCW 17.16.140 are each hereby repealed. Repeal.

Passed the House January 30, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 187.

[Engrossed House Bill No. 296.]

AGRICULTURAL MARKETING ASSOCIATIONS.

AN ACT relating to agricultural marketing and marketing contracts of associations of agricultural producers.

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

Section 1. Persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut growers or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in intrastate commerce, such products of persons so engaged. Such associations may have marketing agencies in common; and such associations and their members may make the necessary contracts and agreements to effect such purposes: *Provided*, That such associations are operated for the mutual benefit

Agricultural marketing associations—Authorized.

Agricultural  
marketing  
associations—  
Authorized.

of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, or,

Second. That the association does not pay dividends on stock or membership capital in excess of eight percent per annum.

And in any case to the following:

Third. That the association shall not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members.

Restraint of  
trade or  
monopoly—  
Attorney gen-  
eral complaint  
—Hearing.

Sec. 2. If the attorney general shall have reason to believe that any such association as provided for in section 1 of this act monopolizes or restrains trade to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than thirty days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from monopolization or restraint of trade.

Such hearing, and any appeal which may be made from such hearing, shall be conducted and held subject to and in conformance with the provisions for contested cases in chapter 34.04 RCW (Administrative Procedure Act), as now enacted or hereafter amended.

Passed the House January 28, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 188.

[Engrossed House Bill No. 92.]

## BOARDS AND COMMISSIONS—COMPENSATION.

AN ACT relating to state government; prescribing the compensation and reimbursement of expenses of certain professional boards and commissions; amending section 11, chapter 101, Laws of 1957 and RCW 18.15.055; amending section 3, chapter 93, Laws of 1953 as amended by section 23, chapter 52, Laws of 1957 and RCW 18.32.050; amending section 13, chapter 25, Laws of 1963 and RCW 18.54.130; amending section 4, chapter 222, Laws of 1949 and RCW 18.78.040; amending section 2, chapter 200, Laws of 1959 and RCW 18.90.020; and amending section 43.74.015, chapter 8, Laws of 1965 and RCW 43.74.015.

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

Section 1. Section 11, chapter 101, Laws of 1957 and RCW 18.15.055 are each amended to read as follows:

RCW 18.15.055  
amended.

The secretary shall have a full time position with a salary to conform with standards set by the department of licenses for similar positions.

Barber exam-  
ining board—  
Compensation.

Each member of the examining committee shall receive as compensation twenty-five dollars for each day's attendance at meetings of the committee. Members including the secretary shall be reimbursed for necessary traveling expenses incurred in the actual performance of their duties as provided for state officials and employees generally in chapter 43.03 RCW.

**NOTE:** See also section 7, chapter 223, Laws of 1967.

Sec. 2. Section 3, chapter 93, Laws of 1953 as amended by section 23, chapter 52, Laws of 1957 and RCW 18.32.050 are each amended to read as follows:

RCW 18.32.050  
amended.

The members of the board shall each receive as compensation the sum of twenty-five dollars for each day actually engaged in the duties of the office, and all legitimate and necessary expenses incurred

Board of  
dental exam-  
iners—Com-  
pensation.

in attending the meetings of the board as provided for state officials and employees generally in chapter 43.03 RCW.

RCW 18.54.130  
amended.

Sec. 3. Section 13, chapter 25, Laws of 1963 and RCW 18.54.130 are each amended to read as follows:

Optometry  
board—Com-  
pensation.

Members of the board are entitled to receive their actual and necessary expenses as provided for state officials and employees generally in chapter 43.03 RCW. Each member of the board will also be paid twenty-five dollars for each day or portion thereof spent in discharge of his official duties.

RCW 18.78.040  
amended.

Sec. 4. Section 4, chapter 222, Laws of 1949 and RCW 18.78.040 are each amended to read as follows:

Board of prac-  
tical nurse  
examiners—  
Compensation.

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 dollars per day for each day engaged in the discharge of his or her duties as a member of the board, and shall be paid necessary traveling expenses while away from home as provided for state officials and employees generally in chapter 43.03 RCW. 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.

RCW 18.90.020  
amended.

Sec. 5. Section 2, chapter 200, Laws of 1959 and RCW 18.90.020 are each amended to read as follows:

Board of  
registered  
sanitarians—  
Compensation.

(1) The governor of the state of Washington shall appoint an examining board, which shall be known as the "Washington state board of registered sanitarians", consisting of three members, all of whom shall be sanitarians qualified for registration under this chapter, each of whom shall be a citizen of the United States. The initial appointments shall be made by July 1, 1959, from a list of not less than

six names submitted to the governor by the Washington state association of sanitarians. The members of the first board shall serve for the following terms: One member for a period of three years, one member for a period of two years, and one member for a period of one year. Thereafter as the term of each member expires all appointments shall be for a period of three years or until their successors are appointed. These appointments shall be made from a list broadly representative of the sanitarians in the state and shall be certified to the governor by the Washington state association of sanitarians. A member of the examining board may be removed by the governor for any of the causes specified in RCW 18.90.060.

(2) The examining board shall conduct examinations in the state for the purpose of determining the qualifications of persons who apply for registration under this chapter. The board may adopt, amend or rescind such rules and regulations as it may deem necessary to carry out the provisions of this chapter.

(3) Each member of the board shall receive as compensation twenty-five dollars for each day or portion thereof in which he is actually engaged in the business and duties of the board, and all legitimate and necessary expenses incurred in the business of the board and in attending meetings thereof. Compensation for such necessary expenses shall not exceed that authorized for state employees.

Sec. 6. Section 43.74.015, chapter 8, Laws of 1965 and RCW 43.74.015 are each amended to read as follows:

RCW 43.74.015 amended.

(1) The committee shall meet and organize as soon as practicable after appointment.

Basic science  
examining  
committee—  
Compensation.

(2) It shall elect a chairman, and vice chairman from its members, and elect or appoint a secretary-treasurer, who need not be a member.

Basic science  
examining  
committee—  
Compensation.

(3) It may adopt a seal.

(4) It may make such rules and regulations, not inconsistent with this chapter, as it deems expedient to carry this chapter into effect.

(5) A majority of the committee shall constitute a quorum for the transaction of business.

(6) The committee shall keep a record of all its business and proceedings.

(7) Each member shall receive twenty-five dollars a day for each day actually engaged in conducting examinations or in the preparation of examination questions or the grading of examination papers, together with his necessary traveling expenses, as provided for state officials and employees generally in chapter 43.03 RCW; to be paid out of the general fund on vouchers approved by the director.

(8) The director may provide reasonable compensation together with necessary traveling expenses for the secretary-treasurer of the committee if he is not a member thereof, to be paid out of the general fund on vouchers approved by the director.

Passed the House March 8, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 189.

[Substitute House Bill No. 37.]

## BOUNDARY REVIEW BOARDS.

AN ACT relating to state and local government; establishing and providing for the establishment of boundary review boards; prescribing their powers, duties and functions; prescribing the powers, duties and functions of certain public officers and agencies in relation thereto; and providing an effective date.

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

Section 1. The legislature finds that in metropolitan areas of this state, experiencing heavy population growth, increased problems arise from rapid proliferation of municipalities and haphazard extension of and competition to extend municipal boundaries. These problems affect adversely the quality and quantity and cost of municipal services furnished, the financial integrity of certain municipalities, the consistency of local regulations, and many other incidents of local government. Further, the competition among municipalities for unincorporated territory and the disorganizing effect thereof on land use, the preservation of property values and the desired objective of a consistent comprehensive land use plan for populated areas, makes it appropriate that the legislature provide a method of guiding and controlling the creation and growth of municipalities in metropolitan areas so that such problems may be avoided and that residents and businesses in those areas may rely on the logical growth of local government affecting them.

Local government—Boundary review boards—Declaration of purpose.

Sec. 2. As used herein:

Definitions.

(1) "Governmental unit" means any incorporated city or town, metropolitan municipal corporation, or any special purpose district as defined in this section.

Local government—Boundary review boards.

(2) "Special purpose district" means any sanitary district, sewer district, water district, fire protection district, drainage improvement district, drainage and diking improvement district, flood control zone district, irrigation district, metropolitan park district, drainage district, public utility district engaged in water distribution, or water distribution district.

(3) "Board" means a boundary review board created by or pursuant to this act.

Creation in class AA and A counties—Optional in first class counties, procedure.

Sec. 3. There is hereby created and established in each class AA and class A county a board to be known and designated as a "boundary review board". A boundary review board may be created and established in any first class county with a population over one hundred seventy thousand in the following manner:

(1) The board of county commissioners may, by majority vote, adopt a resolution establishing a boundary review board; or

(2) A petition seeking establishment of a boundary review board signed by qualified electors residing in the county equal in number to at least five percent of the votes cast in the county at the last county general election may be filed with the county auditor.

Upon the filing of such a petition, the county auditor shall examine the same and certify to the sufficiency of the signatures thereon. No person may withdraw his name from a petition after it has been filed with the auditor. Within thirty days after the filing of such petition, the county auditor shall transmit the same to the board of county commissioners, together with his certificate of sufficiency.

After receipt of a valid petition for the establishment of a boundary review board, the board of county commissioners shall submit the question of whether a boundary review board should be es-

tablished to the electorate at the next county primary or county general election which occurs more than thirty days from the date of receipt of the petition. Notice of the election shall be given as provided in RCW 29.27.080 and shall include a clear statement of the proposal to be submitted.

If a majority of the persons voting on the proposition shall vote in favor of the establishment of the boundary review board, such board shall thereupon be deemed established.

Sec. 4. For the purposes of this act, counties other than class AA and class A shall be deemed to have established boundary review boards on and after the date a proposition for establishing the same has been approved at an election as provided for in section 3, or on and after the date of adoption of a resolution of the board of county commissioners establishing the same as provided for in section 3.

First class counties, date deemed created.

Sec. 5. After the effective date of this act, the governor shall within forty-five days appoint a board for each class AA and class A county consisting of eleven members as provided for in this section. After a board has been established in a county other than class AA or class A by resolution or by approval of the electors after an election initiated by petition the governor shall appoint a board within forty-five days for each such county consisting of eleven members as provided for in this section.

Boundary review boards—  
Appointment of members—  
Terms—  
Vacancies—  
Nominations—  
Limitations.

Of the members of the first board to be appointed in class AA and class A counties after the taking effect of this section, one-third shall have terms expiring January 1, 1970, one-third shall have terms expiring January 1, 1972, and one-third shall have terms expiring January 1, 1974. When any other county establishes such a board, the expiration date of the initial terms of the members of the board shall be adjusted so that one-third of the

Boundary re-  
view boards—  
Appointment  
of members—  
Terms—  
Vacancies—  
Nominations—  
Limitations.

terms shall be at least two years, but less than four years, one-third shall be at least four years, but less than six years, and one-third shall be not less than six years nor more than eight years, and such terms shall expire January 1st of an even-numbered year. Upon the expiration of the terms of the initial members first to be appointed, each succeeding member shall be appointed and hold office for a term of six years.

Any vacancy on the board shall be filled by appointment by the governor from the same source as the preceding member, which source shall have the opportunity to make new nominations for the vacated position, and such appointee shall serve only for the balance of the full term of his predecessor.

Each boundary review board shall consist of eleven members all of whom shall be residents of the county in which the review board is established. Three members shall be selected independently by the governor and the remaining eight members shall be selected by the governor from the following sources:

(1) Three members shall be selected from nominees of the individual mayors of the cities and towns within the county;

(2) Three members shall be selected from nominees of the individual members of the board of county commissioners; and

(3) Two members shall be selected from nominees of each special purpose district lying wholly or partly within the county. Selection shall be made so that the terms of not more than one appointee from each source expires in any one year.

Nominations shall be filed with the office of the governor within thirty days after the effective date of this act, within thirty days after the creation of a boundary review board by election or resolution as provided in section 3, or within thirty days of the

creation of a vacancy on the board, as appropriate. Nominations to fill vacancies caused by expiration of terms shall be filed at least thirty days preceding the expiration of the terms. Each source shall nominate at least two persons for every available position. In the event there are less than two nominees for any position, the governor may appoint the member for that position independently.

No nominee for membership and no member shall be a consultant or adviser on a contractual or regular retaining basis of the state of Washington, or of any municipal corporation thereof within the county in which the board is established, or any agency or association thereof.

**NOTE:** See also section 1, chapter 98, Laws of 1967 ex. sess.

Sec. 6. In counties other than class AA or class A, if the resolution or petition establishing the board so provides, the board shall consist of five members, selected as follows:

- (1) Two by the governor, independently;
  - (2) One from nominees of the individual mayors of the cities and towns within the county;
  - (3) One from nominees of the individual members of the board of county commissioners; and
  - (4) One from nominees of each special purpose district lying wholly or partly within the county.
- Nomination shall be made and vacancies filled in the manner provided in section 5.

Boards established pursuant to this section shall not meet in panels. In all other respects, such boards shall organize and operate as generally provided in this act.

Sec. 7. The members of each boundary review board shall elect from its members a chairman, vice chairman, and shall employ a nonmember as chief clerk, who shall be the secretary of the board. The board shall determine its own rules and order of

Composition  
of board—  
Other than  
class AA or A  
counties.

Boundary re-  
view boards—  
Officers—Per  
diem—Source  
of funds.

Boundary review boards—  
Officers—Per diem—Source of funds.

business and shall provide by resolution for the time and manner of holding all regular or special meetings, and shall keep a journal of its proceedings which shall be a public record. A majority of all the members shall constitute a quorum for the transaction of business.

The chief clerk of the board shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas to any public officer or employee ordering him to testify before the board and produce public records, papers, books or documents. The chief clerk may invoke the aid of any court of competent jurisdiction to carry out such powers.

The board by rule may provide for hearings by panels of members consisting of not less than five board members, the number of hearing panels and members thereof, and for the impartial selection of panel members. A majority of a panel shall constitute a quorum thereof.

At the request of the board, the state attorney general, or at the board's option, the county prosecuting attorney, shall provide counsel for the board.

The planning departments of the county, other counties, and any city, and any state or regional planning agency shall furnish such information to the board at its request as may be reasonably necessary for the performance of its duties.

Each member of the board shall be compensated from the county current expense fund at the rate of twenty-five dollars per day, or a major portion thereof, for time actually devoted to the work of the boundary review board. Each board of county commissioners shall provide such funds as shall be necessary to pay the salaries of the members and staff, and such other expenses as shall be reasonably necessary.

Sec. 8. Expenditures by the board shall be subject to the provisions of chapter 36.40 RCW and other statutes relating to expenditures by counties.

Expenditures  
—Budget law.

Sec. 9. Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file a notice of intention with the board, which may review any such proposed actions pertaining to:

Notice of proposed local government action required  
—When.

(1) The creation, dissolution, incorporation, disincorporation, consolidation, or change in the boundary of any city, town, or special purpose district; or

(2) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town.

Sec. 10. The board shall review and approve, disapprove, or modify any of the actions set forth in section 9 when any of the following shall occur within sixty days of the filing of a notice of intention:

Board to review proposed local government action.

(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.

Local govern-  
ment—Bound-  
ary review  
boards-

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.

Annexation—  
When review  
not necessary.

Sec. 11. In case of annexation to a city or a town, where the area proposed for annexation is less than ten acres and less than two hundred thousand dollars in assessed valuation, the chairman of the review board may by written statement declare that review by the board is not necessary for the protection of the interest of the various parties, in which case the board shall not review such annexation.

Review by  
board—Costs  
—Deposit.

Sec. 12. If the jurisdiction of the review board is invoked pursuant to section 10 of this act, the initiator of the proposal subjected to review and the person or entity seeking review, except for the boundary review board itself, shall each pay to the county treasurer and place in the county current expense fund the sum of one hundred dollars.

Notice of  
intended ac-  
tion—Con-  
tents.

Sec. 13. The notice of intention shall contain the following information:

- (1) The nature of the action sought;
- (2) A brief statement of the reasons for the proposed action;
- (3) The legal description of the boundaries proposed to be created, abolished or changed by such action;
- (4) A county assessor's map on which the boundaries proposed to be created, abolished or changed by such action are designated.

Pending action  
not affected.

Sec. 14. Actions described in section 9 which are pending at the effective date of this act, or actions in counties other than class AA or class A which are pending on the date of the creation of a boundary review board therein, shall not be affected by the provisions of this act. Actions shall be deemed pend-

ing on and after the filing of sufficient petitions initiating the same with the appropriate public officer, or the performance of an official act initiating the same.

Sec. 15. The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this act:

Action of  
board after  
review.

- (1) Approval of the proposal as submitted;
- (2) Modification of the proposal by adjusting boundaries to add or delete territory: *Provided*, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal;
- (3) Determination of a division of assets and liabilities between two or more governmental units where relevant;
- (4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or
- (5) Disapproval of the proposal.

Unless the board shall disapprove a proposal, the proposal as it may have been modified by the board shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people.

When the board, after due proceedings held, disapproves a proposed action, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reinitiated after a period of twelve months from

date of disapproval and shall again be subject to the same consideration.

Local govern-  
ment—Bound-  
ary review  
board—Hear-  
ing, notice,  
publication—  
Procedure—  
Appeal.

Sec. 16. (1) When the jurisdiction of the boundary review board has been invoked, the board shall set the date, time and place for a public hearing on the proposal. The board shall give at least thirty days advance written notice of the date, time and place of the hearing to the governing body of each governmental unit having jurisdiction within the boundaries of the territory proposed to be annexed, formed, incorporated, disincorporated, dissolved or consolidated, or within the boundaries of a special district whose assets and facilities are proposed to be assumed by a city or town, and to the governing body of each city within three miles of the exterior boundaries of such area and to the proponent of such change. Notice shall also be given by publication in any newspaper of general circulation in the area of the proposed boundary change at least three times, the last publication of which shall be not less than five days prior to the date set for the public hearing, and the notice shall also be posted in ten public places in the area affected for five days. If the board after such hearing shall determine to modify the proposal by adding territory, then the board shall set a date, time and place for an additional hearing on the modification, for which notice shall be given as provided in this subsection.

(2) A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof, a copy of the transcript of such testimony shall be provided to any person or governmental unit.

(3) The chairman upon majority vote of the board or a panel may direct the chief clerk of the boundary review board to issue subpoenas to any public officer to testify, and to compel the produc-

tion by him of any records, books, documents, public records or public papers.

(4) Within thirty days after the conclusion of the final hearing on the proposal, the board shall file its written decision, setting forth the reasons therefor, with the board of county commissioners and the clerk of each governmental unit directly affected. The written decision shall indicate whether the proposed change is approved, rejected or modified and, if modified, the terms of such modification. The written decision need not include specific data on every factor required to be considered by the board, but shall indicate that all standards were given consideration. Dissenting members of the board shall have the right to have their written dissents included as part of the decision.

(5) Unanimous decisions of the hearing panel or a decision of a majority of the members of the board shall constitute the decision of the board and shall not be appealable to the whole board. Any other decision shall be appealable to the entire board within ten days. Appeals shall be on the record, which shall be furnished by the appellant, but the board may, in its sole discretion, permit the introduction of additional evidence and argument. Decisions shall be final and conclusive unless within ten days from the date of said action a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files in the superior court a notice of appeal. The filing of such notice of appeal within such time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board.

Local govern-  
ment—Bound-  
ary review  
board—Hear-  
ing, notice,  
publication—  
Procedure—  
Appeal.

(6) The superior court may affirm the decision of the board or remand the case for further proceedings; or it may reverse the decision if any substantial rights may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions, or
- (b) In excess of the statutory authority or jurisdiction of the board, or
- (c) Made upon unlawful procedure, or
- (d) Affected by other error of law, or
- (e) Unsupported by material and substantial evidence in view of the entire record as submitted, or
- (f) Arbitrary or capricious.

An aggrieved party may secure a review of any final judgment of the superior court by appeal to the supreme court. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

Factors used  
by board.

Sec. 17. In reaching a decision on a proposal or an alternative, the board shall consider the factors affecting such proposal, which shall include, but not be limited to the following:

(1) Population and territory; population density; land area and land uses; comprehensive use plans and zoning; per capita assessed valuation; topography, natural boundaries and drainage basins, proximity to other populated areas; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities.

(2) Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services

from other sources; probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units.

(3) The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

Sec. 18. The decisions of the boundary review board shall attempt to achieve the following objectives:

Objectives of board.

(1) Preservation of natural neighborhoods and communities;

(2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;

(3) Creation and preservation of logical service areas;

(4) Prevention of abnormally irregular boundaries;

(5) Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas;

(6) Dissolution of inactive special purpose districts;

(7) Adjustment of impractical boundaries; and

(8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character.

Sec. 19. For a period of ten years from the date of the final decision, no proceeding, approval, action, or decision on a proposal or an alternative shall be deemed to cancel any franchise or permit theretofore granted by the authorities governing the

Decisions of board—Limitation on changes.

Local government—Boundary review boards.

territory to be annexed, nor shall it be deemed to supersede the application as to any territory to be annexed, of such construction codes and ordinances (including but not limited to fire, electrical, and plumbing codes and ordinances) as shall have been adopted by the authorities governing the territory to be annexed and in force at the time of the decision.

Adoption of procedure rules—Notice.

Sec. 20. Each review board shall adopt rules governing the formal and informal procedures prescribed or authorized by this act. Such rules may state the qualifications of persons for practice before the board. Such rules shall also include rules of practice before the board, together with forms and instructions.

To assist interested persons dealing with it, each board shall so far as deemed practicable supplement its rules with descriptive statements of its procedures.

Prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the board shall file notice thereof with the clerk of the court of the county in which the board is located. So far as practicable, the board shall also publish or otherwise circulate notice of its intended action and afford interested persons opportunity to submit data or views either orally or in writing. Such notice shall include (1) a statement of the time, place, and nature of public rule-making proceedings, (2) reference to the authority under which the rule is proposed, and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

This paragraph shall not apply to interpretative rules, general statements of policy, or rules of internal board organization, procedure or practice.

Filing rules.

Sec. 21. Each board shall file forthwith with the clerk of the court a certified copy of all rules and

regulations adopted. The clerk shall keep a permanent register of such rules open to public inspection.

Sec. 22. Whenever a review board has been created pursuant to the terms of this act, the provisions of law relating to city annexation review boards set forth in chapter 35.13 RCW and the powers granted to the boards of county commissioners to alter boundaries of proposed annexations or incorporations shall not be applicable. Inconsistent laws—Construction.

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. Severability.

Sec. 24. The effective date of this act is July 1, 1967. Effective date.

Passed the House February 21, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 190.

[Engrossed House Bill No. 497.]

BUSINESS CORPORATIONS.

AN ACT relating to corporations; amending section 6, chapter 53, Laws of 1965 and RCW 23A.08.030; amending section 13, chapter 53, Laws of 1965 and RCW 23A.08.100; amending section 14, chapter 53, Laws of 1965 and RCW 23A.08.110; and amending section 46, chapter 53, Laws of 1965 and RCW 23A.08.430; amending section 51, chapter 53, Laws of 1965 and RCW 23A.08.480; amending section 64, chapter 53, Laws of 1965 and RCW 23A.16.050; amending section 66, chapter 53, Laws of 1965 and RCW 23A.16.070; amending section 111, chapter 53, Laws of 1965 and RCW 23A.32.030; amending section 135, chapter 53, Laws of 1965 and RCW 23A.40.020; and adding a new section to Title 23A RCW.

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

RCW 23A.08-.100 amended.

Section 1. Section 13, chapter 53, Laws of 1965 and RCW 23A.08.100 are each amended to read as follows:

Business corporations. Change of registered office or registered agent—Requirement.

A corporation may change its registered office or change its registered agent or both, by executing and filing in the manner hereinafter provided a statement setting forth:

- (1) The name of the corporation.
- (2) The address of its then registered office.
- (3) If the address of its registered office be changed, the address to which the registered office is to be changed.
- (4) The name of its then registered agent.
- (5) If its registered agent be changed, the name of its successor registered agent.
- (6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.
- (7) That such change was authorized by resolution duly adopted by its board of directors.
- (8) The date such change is to become effective.

Such statement shall be executed in triplicate by the corporation by its president or a vice-president, and verified by him and delivered to the secretary of state on or before the date such change is to become effective. If the secretary of state finds that such statement conforms to the provisions of this title he shall endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof, file one original in his office, and return the other two originals to the corporation or its representative.

On or before the day when such change is to become effective an original of such statement shall be filed with the auditor of the county in which the registered office is then located, and, if the registered office is to be moved to another county, an original of such statement, together with a certified copy of the corporation's articles of incorporation and all amendments thereto, shall also be filed with the auditor of such other county.

Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in triplicate, with the secretary of state, who shall forthwith mail one copy thereof to the auditor of the county in which the registered office is then located, and one copy to the corporation at its registered office. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

Sec. 2. Section 14, chapter 53, Laws of 1965 and RCW 23A.08.110 are each amended to read as follows:

RCW 23A.08-  
.110 amended.

The registered agent so appointed by a corporation shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Business  
corporations—  
Service of  
process upon  
corporation.

Business corporations—  
Service of  
process upon  
corporation.

Whenever a corporation shall fail to appoint or maintain a registered agent in this state, or whenever its registered agent cannot with reasonable diligence be found at the registered office, then the secretary of state shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the secretary of state of any such process, notice, or demand shall be made by delivering to and leaving with him, or with any clerk having charge of the corporation department of his office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the secretary of state, he shall immediately cause one of the copies thereof to be forwarded by certified mail, addressed to the corporation at its registered office. Any service so had on the secretary of state shall be returnable in not less than thirty days.

The secretary of state shall keep a record of all processes, notices and demands served upon him under this section, and shall record therein the time of such service and his action with reference thereto.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

RCW 23A.08-  
.480 amended

Sec. 3. Section 51, chapter 53, Laws of 1965 and RCW 23A.08.480 are each amended to read as follows:

Filing lists of  
corporate  
officers.

Every corporation hereafter organized under this title shall, within thirty days after it shall have filed its articles of incorporation with the county auditor of the county in which the corporation has its registered office, and every corporation heretofore or hereafter organized under the laws of the territory or state of Washington shall, within thirty days

after its annual meeting and at such additional times as it may elect, file with the secretary of state and with the county auditor of the county in which said corporation has its registered office an annual report, sworn to by its president and attested by its secretary, containing, as of the date of execution of the report:

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

(2) The address of the registered office of the corporation in this state including street and number and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(3) A brief statement of the character of the affairs which the corporation is actually conducting, or, in the case of a foreign corporation, which the corporation is actually conducting in this state.

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

The secretary of state shall file such annual report in his office for the fee of one dollar. If any corporation shall fail to comply with the foregoing provisions of this section and more than one year shall have elapsed from the date of the filing of the last report, service of process against such corporation may be made by serving duplicate copies upon the secretary of state. Upon such service being made, the secretary of state shall forthwith mail one of such duplicate copies of such process to such corporation at its registered office or its last known address, as shown by the records of his office.

For every violation of this section there shall become due and owing to the state of Washington the sum of twenty-five dollars which sum shall be collected by the secretary of state who shall call

upon the attorney general to institute a civil action for the recovery thereof if necessary.

RCW 23A.16-.050 amended.

Sec. 4. Section 64, chapter 53, Laws of 1965 and RCW 23A.16.050 are each amended to read as follows:

Business corporations—  
Amending articles of incorporation.

Triplicate originals of the articles of amendment shall be delivered to the secretary of state. If the secretary of state finds that the articles of amendment conform to law, he shall, when all fees have been paid as in this title prescribed:

(1) Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof.

(2) File one of such originals in his office.

(3) Issue a certificate of amendment to which he shall affix one of such originals.

The certificate of amendment, together with the original of the articles of amendment affixed thereto by the secretary of state, and the other remaining original, shall be returned to the corporation or its representative. Such remaining original shall then be filed in the office of the county auditor of the county in which the registered office of the corporation is situated. The original affixed to the certificate of amendment shall be retained by the corporation.

RCW 23A.17-.070 amended.

Sec. 5. Section 66, chapter 53, Laws of 1965 and RCW 23A.16.070 are each amended to read as follows:

Amendment in reorganization proceedings.

(1) A domestic corporation may, at any time, by resolution of its board of directors and without the necessity of approval by its shareholders, restate in a single document the entire text of its articles of incorporation, as previously amended, supplemented or restated, by filing in the office of the secretary of state a document entitled "Restated Articles of Incorporation of (insert name of corporation)" which

shall set forth the articles as amended and supplemented to the date of the restated articles.

(2) The restated articles of incorporation shall not alter or amend the original articles or any amendment thereto in any substantive respect and shall contain all the statements required by this title to be included in the original articles of incorporation, except that in lieu of setting forth the names and addresses of the first board of directors, the restated articles shall set forth the names and addresses of the directors in office at the time of the adoption of the restated articles; and no statement need be made with respect to the names and addresses of the incorporators or shares subscribed by them.

(3) The restated articles of incorporation shall be prepared in triplicate originals, signed by the president or vice-president and by the treasurer, secretary or assistant secretary, of the corporation and shall be verified by their signed affidavits, (a) that they have been authorized to execute such restated articles by resolution of the board of directors adopted on the date stated, (b) that the restated articles correctly set forth the text of the articles of incorporation as amended and supplemented to the date of the restated articles and (c) that the restated articles supersede and take the place of theretofore existing articles of incorporation and amendments thereto.

(4) Triplicate originals of the restated articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the restated articles of incorporation conform to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof.

Business corporations—  
Amendment of articles of incorporation.

(b) File one of such originals in his office.

(c) Issue a certificate of restated articles of incorporation to which he shall affix one of such originals.

Thereupon the restated articles of incorporation shall become effective.

(5) The certificate of restated articles of incorporation, together with the original of restated articles of incorporation affixed thereto by the secretary of state, and the other remaining original, shall be returned to the corporation or its representative. Such remaining original shall then be filed in the office of the county auditor of the county in which the registered office of the corporation is situated. The original affixed to the restated certificate of incorporation shall be retained by the corporation.

(6) The restated articles of incorporation shall supersede and take the place of theretofore existing articles of incorporation and amendments thereto and shall have the same effect and may be used for the same purposes as original articles of incorporation.

RCW 23A.32-.030

Sec. 6. Section 111, chapter 53, Laws of 1965 and RCW 23A.32.030 are each amended to read as follows:

Foreign corporation—  
Corporate name.

No certificate of authority shall be issued to a foreign corporation unless the corporate name of such corporation:

(1) Shall contain the word "corporation," "company," "incorporated," or "limited," or shall contain an abbreviation of one of such words, or such corporation shall, for use in this state, add at the end of its name one of such words or an abbreviation thereof.

(2) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes con-

tained in its articles of incorporation or that it is authorized or empowered to conduct the business of banking or insurance.

(3) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state or any foreign corporation authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided in this title, or the name of a corporation which has in effect a registration of its name as provided in this title: *Provided*, That a foreign corporation which is precluded from using its corporate name for one of the above reasons may adopt an assumed name under which it may conduct its business in this state.

Sec. 7. Section 135, chapter 53, Laws of 1965 and RCW 23A.40.020 are each amended to read as follows:

RCW 23A.40-.020 amended.

The secretary of state shall charge and collect for:

Business corporations—  
Filing fees  
and charges.

(1) Filing articles of amendment and issuing a certificate of amendment, ten dollars;

(2) Filing restated articles of incorporation, ten dollars;

(3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, fifteen dollars;

(4) Filing an application to reserve a corporate name, ten dollars;

(5) Filing a notice of transfer of a reserved corporate name, five dollars;

(6) Filing a statement of change of address of registered office or change of registered agent, or both, one dollar;

(7) Filing a statement of the establishment of a series of shares, ten dollars;

Business corporations—  
Filing fees and charges.

- (8) Filing a statement of cancellation of shares, ten dollars;
- (9) Filing a statement of reduction of stated capital, ten dollars;
- (10) Filing a statement of intent to dissolve, five dollars;
- (11) Filing a statement of revocation of voluntary dissolution proceedings, five dollars;
- (12) Filing articles of dissolution, five dollars;
- (13) Filing a certificate by a foreign corporation of the appointment of an agent residing in this state, or a certificate of the revocation of the appointment of such registered agent, one dollar;
- (14) Filing an application of a foreign corporation for a certificate of authority to transact business in this state and issuing a certificate of authority, five dollars;
- (15) Filing an application of a foreign corporation for an amended certificate of authority to transact business in this state and issuing an amended certificate of authority, five dollars;
- (16) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this state, ten dollars;
- (17) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this state, fifteen dollars;
- (18) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five dollars;
- (19) Filing any other statement or report, five dollars;
- (20) Such other filings as are provided for by this title.

RCW 23A.08-.030 amended.

Sec. 8. Section 6, chapter 53, Laws of 1965 and RCW 23A.08.030 are each amended to read as follows:

A corporation shall have the right to purchase, take, receive or otherwise acquire, hold, own, pledge, transfer or otherwise dispose of its own shares, but purchases of its own shares, whether direct or indirect, shall be made only to the extent of unreserved and unrestricted earned surplus available therefor, and, if the articles of incorporation so permit or with the affirmative vote of the holders of at least majority of all shares entitled to vote thereon, to the extent of unreserved and unrestricted capital surplus available therefor: *Provided*, That a Regulated Investment Company registered under the Investment Company Act of 1940, or any similar federal statute, shall have the right to purchase its own shares out of unreserved and unrestricted capital surplus whether or not the articles of incorporation so provide and without prior shareholder approval.

Right to acquire and dispose of its own shares.

To the extent that earned surplus or capital surplus is used as the measure of the corporation's right to purchase its own shares, such surplus shall be restricted so long as such shares are held as treasury shares, and upon the disposition or cancellation of any such shares the restriction shall be removed pro tanto.

Notwithstanding the foregoing limitation, a corporation may purchase or otherwise acquire its own shares for the purpose of:

- (1) Eliminating fractional shares.
- (2) Collecting or compromising indebtedness to the corporation.
- (3) Paying dissenting shareholders entitled to payment for their shares under the provisions of this title.
- (4) Effecting, subject to the other provisions of this title, the retirement of its redeemable shares by redemption or by purchase at not to exceed the redemption price.

Business corporations.

No purchase of or payment for its own shares shall be made at a time when the corporation is insolvent or when such purchase or payment would make it insolvent.

RCW 23A.08-.430 amended.

Sec. 9. Section 46, chapter 53, Laws of 1965 and RCW 23A.08.430 are each amended to read as follows:

Distribution of assets from capital surplus.

The board of directors of a corporation may, from time to time, distribute to its shareholders out of capital surplus of the corporation a portion of its assets, in cash or property, subject to the following provisions:

(1) No such distribution shall be made at a time when the corporation is insolvent or when such distribution would render the corporation insolvent.

(2) No such distribution shall be made unless the articles of incorporation so provide or such distribution is authorized by the affirmative vote of the holders of a majority of the outstanding shares of each class whether or not entitled to vote thereon by the provisions of the articles of incorporation of the corporation: *Provided*, That a Regulated Investment Company registered under the Investment Company Act of 1940, or any similar federal statute, shall have the right to make distributions out of capital surplus whether or not the articles of incorporation so provide and without prior shareholder approval.

(3) No such distribution shall be made to the holders of any class of shares unless all cumulative dividends accrued on all preferred or special classes of shares entitled to preferential dividends shall have been fully paid.

(4) No such distribution shall be made to the holders of any class of shares which would reduce the remaining net assets of the corporation below the aggregate preferential amount payable in event

of voluntary liquidation to the holders of shares having preferential rights to the assets of the corporation in the event of liquidation.

(5) Each such distribution, when made, shall be identified as a distribution from capital surplus and the amount per share disclosed to the shareholders receiving the same concurrently with the distribution thereof.

The board of directors of a corporation may also, from time to time, distribute to the holders of its outstanding shares having a cumulative preferential right to receive dividends, in discharge of their cumulative dividend rights, dividends payable in cash out of the capital surplus of the corporation, if at the time the corporation has no earned surplus and is not insolvent and would not thereby be rendered insolvent. Each such distribution, when made, shall be identified as a payment of cumulative dividends out of capital surplus.

Sec. 10. There is added to Title 23A RCW a new New section.  
section to read as follows:

The repeal of a prior act by chapter 53, Laws of 1965, shall not affect any right accrued, acquired or established, or any liability or penalty incurred, under the provisions of such act, prior to the repeal thereof. The repeal of a prior act by chapter 53, Laws of 1965, shall not affect, nor constitute a repeal with respect to, the law applicable to any corporation unless the provisions of chapter 53, Laws of 1965, apply to such corporation. Savings.

Passed the House March 9, 1967.

Passed the Senate March 9, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 191.

[House Bill No. 416.]

STATE FRUIT COMMISSION.

AN ACT relating to agriculture; providing for the marketing of soft tree fruits; amending sections 15.28.020, 15.28.030, 15.28.040, 15.28.050, and 15.28.090, chapter 11, Laws of 1961 and RCW 15.28.020, 15.28.030, 15.28.040, 15.28.050, and 15.28.090; repealing and reenacting sections 15.28.060, chapter 11, Laws of 1961 as amended by section 2, chapter 51, Laws of 1963, and RCW 15.28.060; repealing and reenacting section 15.28.070, chapter 11, Laws of 1961 and RCW 15.28.070; and declaring an emergency.

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

RCW 15.28.020 amended.

Section 1. Section 15.28.020, chapter 11, Laws of 1961 and RCW 15.28.020 are each amended to read as follows:

Agriculture—  
State fruit  
commission—  
Creation—  
Composition.

A corporation to be known as the Washington state fruit commission is hereby created, composed of sixteen voting members, to wit: Ten producers, four dealers, and two processors, who shall be elected and qualified as herein provided. The director of agriculture, hereinafter in this 1967 amendatory act referred to as the director, or his duly authorized representative, shall be an ex officio member without a vote.

A majority of the voting members shall constitute a quorum for the transaction of any business.

RCW 15.28.030 amended.

Sec. 2. Section 15.28.030, chapter 11, Laws of 1961 and RCW 15.28.030 are each amended to read as follows:

Qualifications  
of voting  
members.

All voting members must be citizens and residents of this state. Each producer member must be over the age of twenty-five years, and be, and for five years have been, actively engaged in growing soft tree fruits in this state, and deriving a substantial portion of his income therefrom, or have a substantial amount of orchard acreage devoted to soft

tree fruit production as an owner, lessee, partner, or a stockholder owning at least ten percent of the voting stock in a corporation engaged in the production of soft tree fruit. He cannot be engaged directly in business as a dealer. Each dealer member must be actively engaged, either individually or as an executive officer, employee or sales manager on a management level, or managing agent of an organization, as a dealer. Each processor member must be engaged, either individually or as an executive officer, employee on a management level, sales manager, or managing agent of an organization, as a processor. Only one dealer member may be in the employ of any one person or organization engaged in business as a dealer. Only one processor member may be in the employ of any one person or organization engaged in business as a processor. Said qualifications must continue throughout each member's term of office.

Sec. 3. Section 15.28.040, chapter 11, Laws of 1961 and RCW 15.28.040 are each amended to read as follows:

RCW 15.28.040 amended.

Of the producer members, four shall be elected from the first district and occupy positions one, two, three and four; four shall be elected from the second district and occupy positions five, six, seven and eight, and two shall be elected from the third district and occupy positions nine and ten.

Election of voting members—Positions.

Of the dealer members, two shall be elected from each of the first and second districts and respectively occupy positions eleven and twelve from the first district and positions thirteen and fourteen from the second district.

The processor members shall be elected from the state at large and occupy positions fifteen and sixteen. The dealer member position previously referred to as position twelve shall henceforth be position thirteen. The processor member position hereto-

Agriculture—  
State fruit  
commission.

fore referred to as position fourteen shall cease to exist on the effective date of this act. The processor member position heretofore referred to as thirteen shall be known as position sixteen.

RCW 15.28.050  
amended.

Sec. 4. Section 15.28.050, chapter 11, Laws of 1961 and RCW 15.28.050 are each amended to read as follows:

Terms of office  
—Rotation.

The regular term of office of the members of the commission shall be three years commencing on May 1, following the date of election and until their successors are elected and qualified, except, however, that the first term of dealer position twelve in the first district shall be for two years and expire May 1, 1969.

RCW 15.28.090  
amended.

Sec. 5. Section 15.28.090, chapter 11, Laws of 1961 and RCW 15.28.090 are each amended to read as follows:

Per diem and  
expenses.

No member of the commission shall receive any salary or other compensation but each member shall receive the sum of twenty dollars per day for each day spent in actual attendance on or in traveling to and from meetings of the commission or on special assignment for the commission, together with actual expenses incurred in carrying out the provisions of this chapter.

RCW 15.28.060  
repealed and  
reenacted.

Sec. 6. Section 15.28.060, chapter 11, Laws of 1961 as amended by section 2, chapter 51, Laws of 1963 and RCW 15.28.060 are each repealed and reenacted to read as follows:

Meetings for  
elections—  
Notice,  
publication—  
Election.

The director shall call meetings at times and places concurred upon by the director and the commission for the purpose of nominating producer, dealer or processor members for election to the commission when such members' terms are about to expire. Notice of such meetings shall be given at least sixty days prior to the time the respective members' term is about to expire. The nominating

meetings shall be held at least sixty days prior to the expiration of the respective members' term of office.

Notice shall be given by the commission by mail to all known persons having a right to vote for such respective nominee's election to the commission.

Further, the commission shall publish notice at least once in a newspaper of general circulation in the district where the nomination is to be held. Such a newspaper may be published daily or weekly. The failure of any person entitled to receive notice of such nominating meeting shall not invalidate such nominating meeting or the election of a member nominated at such meeting.

Any person qualified to serve on the commission may be nominated orally at said nomination meetings. Written nominations, signed by five persons qualified to vote for the said nominee, may be made for five days subsequent to said nomination meeting. Such written nominations shall be filed with the commission at its Yakima office.

Members of the commission shall be elected by a secret mail ballot, and such election shall be conducted under the supervision of the director, and the elected candidate shall become a member of the commission upon certification of the director that said elected candidate has satisfied the required qualifications for membership on the commission.

When only one nominee is nominated for any position on the commission, the director shall, if such nominee satisfies the requirements of the position for which he was nominated, certify the said nominee as to his qualifications and then it shall be deemed that said nominee has been duly elected. Nominees receiving a majority of the votes in an election shall be considered to have been elected and if more than one position is to be filled in a district or at large, the nominees respectively receiving the

Agriculture—  
State fruit  
commission.

largest number of votes shall be deemed to have been elected to fill the vacancies from said districts or areas on the commission. Persons qualified to vote for members of the commission shall, except as otherwise provided by law or rule or regulation of the commission, vote only in the district in which their activities make them eligible to vote for a member of the commission.

A producer to be eligible to vote in an election for a producer member of the commission must be a commercial producer of soft tree fruits paying assessments to the commission.

When a legal entity acting as a producer, dealer, or processor is qualified to vote for a candidate in any district or area to serve in a specified position on the commission, such legal entity may cast only one vote for such candidate, regardless of the number of persons comprising such legal entity or stockholders owning stock therein.

RCW 15.28.070  
repealed and  
reenacted.

Sec. 7. Section 15.28.070, chapter 11, Laws of 1961 and RCW 15.28.070 are each repealed and reenacted to read as follows:

Powers and  
duties—Rules  
—Hearings,  
etc.

The commission shall have the authority, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act), for adopting rules and regulations, after public hearing, establishing one or more subdistricts in any one of the three districts. Such subdistricts shall include a substantial portion of the soft tree fruit producing area in the district in which they are formed.

The commission shall, when a subdistrict has been formed within one of the districts as in this section provided for, assign one of the districts' producer positions on the commission to said subdistrict. Such producer position may only be filled by a producer residing in such subdistrict, whether by election, apportionment, or appointment.

Sec. 8. Present members of the state fruit commission as provided for in section 1 of this 1967 amendatory act shall serve until the first day of May of the year in which their terms would ordinarily expire and until their successors are elected and qualified.

Terms of present members.

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: *Provided*, That section 5 of this 1967 amendatory act shall not take effect until July 1, 1968.

Emergency.

Passed the House February 8, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 192.

[Engrossed House Bill No. 319.]

### PUBLIC LIVESTOCK MARKETS.

AN ACT relating to the regulation of public livestock markets; amending section 17, chapter 107, Laws of 1959 and RCW 16.65.170; and amending section 34, chapter 107, Laws of 1959 and RCW 16.65.340.

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

Section 1. Section 17, chapter 107, Laws of 1959 and RCW 16.65.170 are each amended to read as follows:

RCW 16.65.170 amended.

The licensee shall keep accurate records which shall be available for inspection to all parties directly interested therein, and such records shall contain the following information:

Public live-stock markets  
—Licensee to keep records.

(1) The date on which each consignment of live-stock was received and sold.

Public live-  
stock markets  
—Licensee to  
keep records.

(2) The name and address of the buyer and seller of such livestock.

(3) The number and species of livestock received and sold.

(4) The marks and brands on such livestock as supplied by a brand inspector.

(5) All statements of warranty or representations of title material to, or upon which, any such sale is consummated.

(6) The gross selling price of such livestock with a detailed list of all charges deducted therefrom.

Such records shall be kept by the licensee for one year subsequent to the receipt of such livestock.

RCW 16.65.340  
amended.

Sec. 2. Section 34, chapter 107, Laws of 1959 and RCW 16.65.340 are each amended to read as follows:

Testing to  
prevent spread  
of livestock  
diseases.

The director shall, when livestock is sold, traded, exchanged or handled at or through a public livestock market, require such testing, treating, identifying, examining and record keeping of such livestock by a deputy state veterinarian as in the director's judgment may be necessary to prevent the spread of brucellosis, tuberculosis, paratuberculosis, hog cholera or any other infectious, contagious or communicable disease among the livestock of this state.

Passed the House February 17, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 193.

[House Bill No. 160.]

## FOOD FISH AND SHELLFISH—PRIVILEGE AND CATCH FEES.

AN ACT relating to food fish and shellfish; providing for a change in the due date of privilege and catch fee returns; and amending section 75.32.090, chapter 12, Laws of 1955, as amended by section 1, chapter 9, Laws of 1963 extraordinary session and RCW 75.32.090.

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

Section 1. Section 75.32.090, chapter 12, Laws of 1955, as amended by section 1, chapter 9, Laws of 1963 extraordinary session and RCW 75.32.090 are each amended to read as follows:

RCW 75.32.090  
amended.

The privilege or catch fees herein provided for are due and payable in quarterly installments, and the fees accruing during each quarterly period shall become due on the first day of the month immediately following the end of the quarterly period, and shall be paid on or before the last day of that month. The following shall constitute the quarterly periods to be utilized:

Food fish and  
shellfish—  
Privilege and  
catch fees.

- (1) January, February, March;
- (2) April, May, June;
- (3) July, August, September;
- (4) October, November, December.

On or before the day payment is required as provided above, the person paying the privilege or catch fees shall prepare a return under oath upon such forms and setting forth such information as the director may require, and transmit the same to the director together with a remittance for the fees which are due. Any person that is subject at any time of the year to the privilege or catch fee provi-

sions set forth in this chapter shall file a return each quarter whether or not any fees are due.

Passed the House January 27, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 194.

[Engrossed House Bill No. 751.]

COUNTIES—ELECTRICAL AND COMMUNICATION  
LINES—UNDERGROUND CONVERSION.

AN ACT relating to counties; authorizing the conversion of overhead electric and communication facilities to underground facilities; authorizing the conversion or installation of ornamental street and road lighting facilities to be served from underground electrical facilities; authorizing contracts with electric utilities and communication utilities to effect such conversion or installation; authorizing the establishment of county road improvement districts to carry out the purposes of this act; authorizing the establishment of utility conversion guaranty funds; requiring the removal of existing overhead service lines; and adding new sections to chapter 36.88 RCW, and to chapter 4, Laws of 1963.

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

New section.

Section 1. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows:

Counties—  
Electrical and  
communica-  
tion lines—  
Conversion to  
underground.  
Declaration of  
purpose.

It is hereby found and declared that the conversion of overhead electric and communication facilities to underground facilities is substantially beneficial to the public safety and welfare, is in the public interest and is a public purpose, notwithstanding any resulting incidental private benefit to any electric or communication utility affected by such conversion.

Sec. 2. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows:

New section.

As used in this act, unless specifically defined otherwise, or unless the context indicates otherwise:

Definitions.

“Conversion area” means that area in which existing overhead electric and communication facilities are to be converted to underground facilities pursuant to the provisions of this act.

“Electric utility” means any publicly or privately owned utility engaged in the business of furnishing electric energy to the public in all or part of the conversion area and includes electrical companies as defined by RCW 80.04.010 and public utility districts.

“Communication utility” means any utility engaged in the business of affording telephonic, telegraphic, cable television or other communication service to the public in all or part of the conversion area and includes telephone companies and telegraph companies as defined by RCW 80.04.010.

Sec. 3. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows:

New section.

Every county shall have the power to contract with electric and communication utilities, as hereinafter provided, for any or all of the following purposes:

Counties—  
Electrical and communication lines—  
Underground conversion—  
Contracts—  
County road improvement districts—  
Special assessments.

(1) The conversion of existing overhead electric facilities to underground facilities.

(2) The conversion of existing overhead communication facilities to underground facilities.

(3) The conversion of existing street and road lighting facilities to ornamental street and road lighting facilities to be served from underground electrical facilities.

(4) The initial installation, in accordance with the limitations set forth in RCW 36.88.015, of orna-

Counties—  
Electrical and  
communication  
lines—  
Underground  
conversion—  
Contracts—  
County road  
improvement  
districts—Spe-  
cial assess-  
ments.

mental street and road lighting facilities to be served from underground electrical facilities.

To provide funds to pay the whole or any part of the cost of any such conversion and installation, together with the expense of furnishing electric energy, maintenance and operation to any ornamental street lighting facilities served from underground electrical facilities, every county shall have the power to create county road improvement districts and to levy and collect special assessments against the real property specially benefited by such conversion. For the purpose of ascertaining the amount to be assessed against each lot or parcel of land within any county road improvement district established pursuant to this act, in addition to other methods provided by law for apportioning special benefits, the county commissioners may apportion all or part of the special benefits accruing on a square footage basis or on a per lot basis.

New section.

Sec. 4. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows:

Contracts  
with utilities  
—Provisions.

Every county shall have the power to contract with electric and communication utilities for the conversion of existing overhead electric and communication facilities to underground facilities, for the conversion of existing street and road lighting facilities to ornamental street and road lighting facilities to be served from underground electrical facilities, and for the initial installation of ornamental street and road lighting facilities to be served from underground electrical facilities.

(1) For the supplying and approval by the electric and communication utilities of plans and specifications for such conversion;

(2) For the payment to the electric and communication utilities for any work performed or services

rendered by it in connection with the conversion project;

(3) For the payment to the electric and communication utilities for the value of the overhead facilities removed pursuant to the conversion;

(4) For ownership of the underground facilities and the ornamental street and road lighting facilities by the electric and communication utilities.

Sec. 5. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows:

New section.

When service from the underground electric and communication facilities is available in all or part of a conversion area, the county shall mail a notice to the owners of all structures or improvements served from the existing overhead facilities in the area, which notice shall state that:

Counties—  
Electrical and  
communication  
lines—  
Underground  
conversion—  
Notice to  
owners—Ob-  
jections—  
Hearings—  
Time limita-  
tion.

(1) Service from the underground facilities is available;

(2) All electric and communication service lines from the existing overhead facilities within the area to any structure or improvement must be disconnected and removed within one hundred twenty days after the date of the mailing of the notice;

(3) Should such owner fail to convert such service lines from overhead to underground within one hundred twenty days after the date of the mailing of the notice, the county will order the electric and communication utilities to disconnect and remove the service lines;

(4) Should the owner object to the disconnection and removal of the service lines he may file his written objections thereto with the secretary of the board of county commissioners within one hundred twenty days after the date of the mailing of the notice and failure to so object within such time will constitute a waiver of his right thereafter to object to such disconnection and removal.

Counties—  
Electrical and  
communication  
lines—  
Underground  
conversion—  
Notice to  
owners—Ob-  
jections—  
Hearings—  
Time limita-  
tion.

If the owner of any structure or improvement served from the existing overhead electric and communication facilities within a conversion area shall fail to convert to underground the service lines from such overhead facilities to such structure or improvement within one hundred twenty days after the mailing to him of the notice, the county shall order the electric and communication utilities to disconnect and remove all such service lines: *Provided*, That if the owner has filed his written objections to such disconnection and removal with the secretary of the board of county commissioners within one hundred twenty days after the mailing of said notice then the county shall not order such disconnection and removal until after the hearing on such objections.

Upon the timely filing by the owner of objections to the disconnection and removal of the service lines, the board of county commissioners shall conduct a hearing to determine whether the removal of all or any part of the service lines is in the public benefit. The hearing shall be held at such time as the board of county commissioners may establish for hearings on such objections and shall be held in accordance with the regularly established procedure set by the board. The determination reached by the board of county commissioners shall be final in the absence of an abuse of discretion.

New section

Sec. 6. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows:

Utility con-  
version guar-  
anty fund.

Every county may establish a fund for the purpose of guaranteeing to the extent of such fund and in the manner hereinafter provided, the payment of its county road improvement district bonds and warrants issued to pay for the underground conversion of electric and communication facilities and the

underground conversion or installation of ornamental road and street lighting facilities ordered under this chapter. If the board of county commissioners shall determine to establish such fund it shall be designated “. . . utility conversion guaranty fund” and from moneys available such county shall deposit annually in said guaranty fund such sums as may be necessary to establish and maintain a balance therein equal to at least five percent of the outstanding obligations guaranteed thereby and to make necessary provision in its annual budget therefor. The moneys held in the guaranty fund may be invested in certificates, notes, or bonds of the United States of America, or in state, county, municipal or school district bonds, or in warrants of taxing districts of the state; provided, only, that such bonds and warrants shall be general obligations.

Sec. 7. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows: New section.

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 of the bond or 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 not to exceed six percent shall be issued, as other warrants are issued by the county, against the guaranty fund to meet any liability accruing against

Counties—  
Electric and  
communication lines—  
Underground  
conversion—  
Utility conversion guaranty fund—  
Operation.

Counties—  
Electric and  
communication lines—  
Underground  
conversion—  
Utility conversion guar-  
anty fund—  
Operation.

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 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 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, and all proceeds resulting from such sales shall belong to and be paid into the guaranty fund.

Sec. 8. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows: New section.

Unless otherwise provided in this act, the general provisions relating to county road improvement districts shall apply to local improvements authorized by this act. Law applicable.

Sec. 9. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows: New section.

If any provisions 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. Severability.

Passed the House March 9, 1967.

Passed the Senate March 9, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 195.

[Engrossed House Bill No. 677.]

GREEN PEAS.

AN ACT relating to quality standards for green peas to be used for canning and freezing; authorizing a study of mechanical instrumentation and development of precision grading equipment.

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

Green peas—  
Quality  
standards.

Section 1. Because of the importance of the green pea industry to the state's economy, the department of agriculture is authorized and directed to make or cause to be made a study of (1) the quality standards involved in the establishment of grades of green peas to be used for canning and freezing upon which producers are paid, and (2) the existing system of mechanical determination of such grades, including the development of improved instruments of greater accuracy and uniformity, together with methods for standardizing all such instruments used for grading.

Cooperation  
with other  
states and  
federal gov-  
ernment.

Sec. 2. The department of agriculture is authorized to seek the cooperation of the United States department of agriculture and the Idaho and Oregon departments of agriculture and any other governmental or state agencies including any private agencies or groups associated with the production and processing of green peas.

Passed the House February 22, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 196.

[Engrossed House Bill No. 352.]

## USE FUEL TAX.

AN ACT relating to the use fuel tax; amending section 82.40.010, chapter 15, Laws of 1961 and RCW 82.40.010; amending section 82.40.240, chapter 15, Laws of 1961 and RCW 82.40.240; and amending section 82.40.270, chapter 15, Laws of 1961 as amended by section 6, chapter 33, Laws of 1965 extraordinary session and RCW 82.40.270.

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

Section 1. Section 82.40.010, chapter 15, Laws of 1961 and RCW 82.40.010 are each amended to read as follows:

RCW 82.40.010  
amended.

For the purposes of this chapter:

Highways. Use  
fuel tax.  
Definitions.

(1) "Motor vehicle" means every vehicle which is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry.

(2) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel.

(3) "Fuel" means any combustible gas, liquid, or material of a kind used in an internal combustion engine for the generation of power to propel a motor vehicle except motor vehicle fuel as defined in chapter 82.36.

(4) "Internal combustion engine" means any engine operated by internal expansion.

(5) "Use" as a verb, means to receive into any receptacle on a motor vehicle, fuel consumed in propelling such motor vehicle on the highways within the state; except that if such fuel is received into such receptacle outside the taxing jurisdiction of

Highways. Use  
fuel tax.  
Definitions.

this state, "use" as a verb, means to consume in propelling such motor vehicle on the highways within this state; "use" as a noun, means the act of using.

(6) "User" means any person who uses fuel.

(7) "Director" means the director of motor vehicles.

(8) "Bond" means (a) a corporate surety bond duly executed by any person subject to the tax as principal, payable to the state and conditioned for faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, interest, and other obligations arising out of this chapter; or (b) a deposit with the state treasurer by the person subject to the tax, under such reasonable terms and conditions as the director may prescribe, of a like amount of lawful money of the United States or bonds or other obligations of the United States, the state of Washington or any county of said state, of an actual market value not less than the amount so fixed by said director.

RCW 82.40.240  
amended.

Sec. 2. Section 82.40.240, chapter 15, Laws of 1961 and RCW 82.40.240 are each amended to read as follows:

License to sell  
or distribute.

It shall be unlawful for any person to sell or otherwise distribute fuel for highway use in this state unless such person is the holder of an unrevoked license issued to him pursuant to this chapter. Application for such a license must be made to the director upon forms furnished by him. No charge shall be made for such a license. The license shall be valid only for the person in whose name it is issued and shall be valid until revoked. The director may revoke such a license issued to any person who fails to comply with the provisions of this chapter or any rule or regulation adopted hereunder, provided the procedure prescribed by RCW 82.40.060 is followed.

Sec. 3. Section 82.40.270, chapter 15, Laws of 1961 as amended by section 6, chapter 33, Laws of 1965 extraordinary session and RCW 82.40.270 are each amended to read as follows:

RCW 82.40.270 amended.

Whenever the director shall determine that any person has delivered fuel, which was or which is to be used in propelling a motor vehicle in this state, into or placed such fuel into, or caused such fuel to be delivered into or placed into, any receptacle on such motor vehicle from which receptacle such fuel was or can be supplied to propel such motor vehicle, and such vehicle did not at that time contain or exhibit a valid vehicle identification card as provided in RCW 82.40.050, he shall have the power to declare such person and/or vendor liable for the use fuel excise tax thereon and to collect said tax from such person and/or vendor if delivery was made after vendor was notified by mail in accordance with rules and regulations of the revocation or cancellation of a use fuel tax permit: *Provided, however,* Users operating noncommercial passenger vehicles, as provided in RCW 82.40.045, for which fuel is delivered into the fuel supply tank of such vehicles tax-inclusive shall be exempt from the provision requiring a vehicle identification card. Delivery of fuel into storage facilities having dispensing equipment designed to fuel motor vehicles shall be prima facie evidence that the intended use of such fuel is for motor vehicles.

Vehicle identification card—Exhibition before fueling—Exemption.

Passed the House February 26, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 197.

[Engrossed House Bill No. 306.]

SEWER DISTRICTS—CONSOLIDATION—MERGER.

AN ACT relating to sewer districts; providing procedure for consolidations and mergers thereof; and adding a new chapter to Title 56 RCW.

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

New chapter.

Section 1. There is added to Title 56 RCW a new chapter to read as set forth in sections 2 through 13 as follows:

Sewer dis-  
tricts—  
Consolidation  
—Authorized  
—Methods.

Sec. 2. Two or more sewer districts, adjoining or in close proximity to and in the same county with each other, may be joined into one consolidated sewer district. The consolidation may be initiated in either of the following ways: Ten percent of the legal electors residing within each of the sewer districts proposed to be consolidated may petition the board of sewer commissioners of each of their respective sewer districts to cause the question to be submitted to the legal electors of the sewer districts proposed to be consolidated; or, the boards of sewer commissioners of each of the sewer districts proposed to be consolidated may by resolution determine that the consolidation of such districts shall be conducive to the public health, welfare, and convenience and to be of special benefit to the lands of such districts.

Petition  
method—  
Signers—Filing—Certificate of  
sufficiency.

Sec. 3. If consolidation proceedings are initiated by petition, upon the filing of such petitions with the boards of sewer commissioners of the sewer districts, the boards of sewer commissioners of all of the districts shall file such petitions with the county auditor who shall within ten days examine the signatures thereon and certify to the sufficiency or insufficiency thereof. If all of the petitions shall be

found to contain a sufficient number of signatures, the county auditor shall transmit them, together with his certificate of sufficiency attached thereto, to the boards of sewer commissioners of each of the districts proposed for consolidation. In the event that there are no legal electors residing in one or more of the sewer districts proposed to be consolidated, the petitions may be signed by such a number as appear of record to own at least a majority of the acreage in the pertinent sewer district, and the petitions shall disclose the total number of acres of land in the sewer district and shall also contain the names of all record owners of land therein.

Sec. 4. Upon the receipt of the county auditor's certificate of sufficiency of the petitions by the boards of sewer commissioners of the districts proposed for consolidation, hereinafter referred to as the "consolidating districts", or upon adoption by the boards of sewer commissioners of the consolidating districts of their resolutions for consolidation, the boards of the consolidating districts shall, within ninety days, enter into an agreement providing for consolidation.

Agreements  
by consolidat-  
ing districts—  
Contents—  
Comprehen-  
sive plan.

The agreement shall set forth the method and manner of consolidation, a comprehensive plan or scheme of sewer supply for the consolidated district and, if such comprehensive plan or scheme of sewer supply provides that one or more of the consolidating districts or the proposed consolidated district issue revenue bonds for the construction and/or other costs of any part or all of the comprehensive plan, then the details thereof shall be set forth.

The requirement that a comprehensive plan or scheme of sewer supply for the consolidated district be set forth in the agreement for consolidation, shall be satisfied if the existing comprehensive plans or schemes of the consolidating districts are incorpo-

Sewer districts  
—Consolida-  
tion.

rated therein by reference and any changes or ad-  
ditions thereto are set forth in detail.

Election—  
Proposition—  
Notice.

Sec. 5. The respective boards of sewer commis-  
sioners of the consolidating districts shall certify  
such agreement to the county auditor of the county  
in which the districts are located. Thereupon, the  
county auditor shall call a special election for the  
purpose of submitting to the voters of each of the  
consolidating districts the proposition of whether or  
not the several districts shall be consolidated into  
one sewer district. The proposition shall give the  
title of the proposed consolidated district. Notice of  
the election shall be given and the election con-  
ducted in accordance with the general election laws.

Rights and  
powers of  
new districts.

Sec. 6. If at the election a majority of the voters  
in each of the consolidating districts shall vote in  
favor of the consolidation, the county canvassing  
board shall so declare in its canvass and the return  
of the election shall be made within ten days after  
the date thereof. Upon the return the consolidation  
shall be effective and the consolidating districts  
shall cease to exist and shall then be and become a  
new sewer district and municipal corporation of the  
state of Washington.

The name of such new sewer district shall be  
“....(name).... Sewer District of .....  
County”, which shall be the name appearing on the  
ballot.

The district shall have all and every power, right  
and privilege possessed by other sewer districts of  
the state of Washington. The district may issue  
revenue bonds to pay for the construction of any  
additions and betterments set forth in the compre-  
hensive scheme and plan of sewer supply contained  
in the agreement for consolidation and any future  
additions and betterments to the comprehensive  
scheme and plan of sewer supply, as its board of

sewer commissioners shall by resolution adopt, without submitting a proposition therefor to the voters of the district.

Sec. 7. Upon the formation of any consolidated sewer district, all funds, rights and property, real and personal, of the former districts, shall vest in and become the property of the consolidated district. Unless the agreement for consolidation provides to the contrary, any outstanding indebtedness of any form, owed by the districts, shall remain the obligation of the area of the original debtor district and the sewer commissioners of the consolidated sewer district shall make such levies, assessments, or charges for service upon that area or the sewer users therein as shall pay off the indebtedness at maturity.

Vesting of property in consolidated district—Outstanding indebtedness.

Sec. 8. The sewer commissioners of all sewer districts consolidated into any new consolidated sewer district shall become sewer commissioners thereof until their respective terms of office expire. When the terms of expiration reduce the total number of remaining sewer commissioners to less than three then the board of commissioners of the consolidated sewer district shall be maintained at the number of three, in accordance with the provisions of RCW 56.12.020 and 56.12.030.

Sewer commissioners—Number.

Sec. 9. Whenever there are two sewer districts, the territories of which are adjoining or in close proximity to and in the same county with each other, either district hereinafter referred to as the “merging district”, may merge into the other districts, hereinafter referred to as the “merger district”, and the merger district will survive under its original number.

Sewer districts—Merger.

Sec. 10. A merger of two sewer districts may be initiated in any of the following ways:

Merger.

Sewer districts  
—Initiation of  
merger—  
Methods.

(1) Whenever the boards of sewer commissioners of both such districts determine by resolution that the merger of such districts shall be conducive to the public health, welfare and convenience and to be of special benefit to the lands of such districts.

(2) Whenever ten percent of the legal electors residing within the merging district petition the board of sewer commissioners of the merging sewer district for a merger, and the board of sewer commissioners of the merger district determines by resolution that the merger of the districts shall be conducive to the public health, welfare and convenience of the two districts.

(3) Whenever the boards determine that the merger of the districts shall be conducive to the public health, welfare and convenience and to be of special benefit to the lands of the districts, they shall enter into an agreement providing for the merger.

Election on  
merging of  
districts.

Sec. 11. The respective boards of sewer commissioners of the districts shall certify the agreement to the county auditor of the county in which the districts are located. Thereupon, the county auditor shall call a special election for the purpose of submitting to the voters of the merging district the proposition of whether the merging district shall be merged into the merger district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Return of  
election—  
Effect.

Sec. 12. If at the election a majority of the voters of the merging sewer district shall vote in favor of the merger, the county canvassing board shall so declare in its canvass and the return of the election shall be made within ten days after the date thereof. Upon the return the merger shall be effective and the merging sewer district shall cease to exist and shall become a part of the merger sewer district.

The sewer commissioners of the merging district shall cease to hold office and the affairs of the merged districts shall be managed by the sewer commissioners of the merger district.

Sec. 13. All funds, rights and property, real and personal, of the merging district, shall vest in and become the property of the merger district. Unless the agreement of merger provides to the contrary, any outstanding indebtedness of any form, owed by the district shall remain the obligation of the area of the original debtor district and the sewer commissioners of the merger sewer district shall make such levies, assessments, or charges for service upon that area or the sewer users therein as shall pay off the indebtedness at maturity.

Vesting of property in merged district—Outstanding indebtedness.

Passed the House February 22, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 198.

[Engrossed House Bill No. 110.]

STATE LIBRARY COMMISSION.

AN ACT relating to the state library commission; and amending section 1, chapter 5, Laws of 1941 as last amended by section 1, chapter 202, Laws of 1963 and RCW 27.04.020.

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

RCW 27.04.020 amended.

Section 1. Section 1, chapter 5, Laws of 1941 as last amended by section 1, chapter 202, Laws of 1963 and RCW 27.04.020 are each amended to read as follows:

State library commission.

A state library commission is hereby created which shall consist of the superintendent of public instruction, who shall be ex officio chairman of said commission and four commissioners appointed by the governor, one of whom shall be a library trustee at the time of appointment and one a certified librarian actually engaged in library work at the time of appointment. The first appointments shall be for terms of one, two, three and four years respectively, and thereafter one commissioner shall be appointed each year to serve for a four year term. Vacancies shall be filled by appointments for the unexpired terms. Each commissioner shall serve without salary or other compensation for his services, but shall be reimbursed for necessary expenses incurred in the actual performance of their duties as provided for state officials and employees generally in chapter 43.03 RCW now or hereafter amended.

Passed the House February 22, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 199.

[Engrossed House Bill No. 93.]

## SECURITIES ACT.

AN ACT relating to securities; amending section 60, chapter 282, Laws of 1959 as amended by section 1, chapter 37, Laws of 1961 and RCW 21.20.005; amending section 43, chapter 282, Laws of 1959 and RCW 21.20.430; and adding a new section to chapter 282, Laws of 1959 and to chapter 21.20 RCW.

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

Section 1. Section 60, chapter 282, Laws of 1959 as amended by section 1, chapter 37, Laws of 1961 and RCW 21.20.005 are each amended to read as follows:

RCW 21.20.005  
amended.

When used in this chapter, unless the context otherwise requires:

Securities Act  
—Definitions.

(1) "Director" means the director of licenses of this state.

(2) "Salesman" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but "salesman" does not include an individual who represents an issuer in (a) effecting a transaction in a security exempted by RCW 21.20.310 (1), (2), (3), (4), (9), (10), or (11), (b) effecting transactions exempted by RCW 21.20.320, or (c) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state.

(3) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-dealer" does not include (a) a salesman, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if he effects transactions in this state

Securities Act  
—Definitions.

exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months he does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in subsection (b) above.

(4) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(5) "Full business day" means all calendar days, excluding therefrom Saturdays, Sundays, and all legal holidays, as defined by statute.

(6) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" does not include (a) a bank, savings institution, or trust company, (b) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession, (c) a broker-dealer, (d) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation, (e) a person whose advice, analyses, or reports relate only to securities exempted by RCW 21.20.310 (1), (f) a person who has no place of business in this state if (i) his only clients in this state are other investment advisers.

broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of twelve consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause (i) above, or (g) such other persons not within the intent of this paragraph as the director may by rule or order designate.

(7) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type; the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

(8) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

(9) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(10) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt or offer to dispose of,

Securities Act  
—Definitions.

or solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(11) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Investment Company Act of 1940" means the federal statutes of those names as amended before or after the effective date of this chapter.

(12) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing; or any sale of or indenture, bond or contract for the conveyance of land or any interest therein where such land is situ-

ated outside of the state of Washington and such sale or its offering is not conducted by a real estate broker licensed by the state of Washington. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.

(13) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

Sec. 2. Section 43, chapter 282, Laws of 1959 and RCW 21.20.430 are each amended to read as follows:

RCW 21.20.430  
amended.

(1) Any person, who offers or sells a security in violation of any provisions of RCW 21.20.140 through 21.20.230, or offers or sells a security by means of fraud or misrepresentation is liable to the person buying the security from him, who may sue either at law or in equity to recover the consideration paid for the security, together with interest at six percent per annum from the date of payment, costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he no longer owns the security. Damages are the amount that would be recoverable upon a tender less (a) the value of the security when the buyer disposed of it and (b) interest at six percent per annum from the date of disposition.

Securities  
regulation—  
Civil liabilities  
—Survival,  
limitation of  
actions—  
Waiver of  
chapter void.

(2) Every person who directly or indirectly controls a seller liable under subsection (1) above, every partner, officer, or director (or person occupying a similar status or performing similar functions) or employee of such a seller who materially aids in the sale, and every broker-dealer or salesman who materially aids in the sale is also liable jointly and severally with and to the same extent as the seller, unless the nonseller who is so liable sus-

Securities  
regulation—  
Civil liabilities  
—Survival,  
limitation of  
actions—  
Waiver of  
chapter void.

tains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(3) Any tender specified in this section may be made at any time before entry of judgment. Every cause of action under this statute survives the death of any person who might have been a plaintiff or defendant. No person may sue under this section more than three years after the contract of sale. No person may sue under this section (a) if the buyer received a written offer, before suit and at a time when he owned the security, to refund the consideration paid together with interest at six percent per annum from the date of payment, less the amount of any income received on the security, and he failed to accept the offer within thirty days of its receipt, or (b) if the buyer received such an offer before suit and at a time when he did not own the security, unless he rejected the offer in writing within thirty days of its receipt.

(4) No person who has made or engaged in the performance of any contract in violation of any provision of this chapter or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract. Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this chapter or any rule or order hereunder is void.

New section.

Sec. 3. There is added to chapter 282, Laws of 1959 and to chapter 21.20 RCW a new section to read as follows:

The director or administrator may by order deny or revoke any exemption specified in subsections (9) or (11) of RCW 21.20.310 or in RCW 21.20.320 with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the director or administrator may by order summarily deny or revoke any of the specified exemptions pending final determination of any proceeding under this section. Upon the entry of a summary order, the director or administrator shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the director or administrator, the order will remain in effect until it is modified or vacated by the director or administrator. If a hearing is requested or ordered, the director or administrator, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this section may operate retroactively. No person may be considered to have violated RCW 21.20.140 as now or hereafter amended by reason of any offer or sale effected after the entry of an order under this section if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the order.

Denial, revocation of exemption order  
~~Hearing~~  
 Notice.

Passed the House March 8, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 200.

[Engrossed House Bill No. 74.]

CRIMES AND CRIMINAL PROCEDURE.

AN ACT relating to crimes and punishment; defining crimes related to measurement of goods, raw materials, and agricultural products; authorizing justice of the peace courts to defer imposition of sentence; granting counties power to employ probation officers; establishing credit for time served in jails; adding new sections to chapter 249, Laws of 1909 and to Title 9 RCW; amending section 176, page 261, Laws of 1854 as last amended by section 6, chapter 11, Laws of 1891, and RCW 10.04.110; amending section 147, page 124, Laws of 1854 as last amended by section 84, chapter 28, Laws of 1891, and RCW 10.82.030; and amending section 151, page 124, Laws of 1854 as last amended by the second paragraph of section 1, page 38, Laws of 1883, and RCW 10.82.040; amending section 1, chapter 24, Laws of 1905 as last amended by section 1, chapter 227, Laws of 1957 and RCW 9.92.060; amending section 4, chapter 227, Laws of 1957 and RCW 9.95.210; amending section 7, chapter 133, Laws of 1955, and RCW 9.95.060; and repealing section 3, chapter 42, Laws of 1955, and RCW 9.95.061; declaring an emergency; and providing penalties.

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

New section.

Section 1. There is added to chapter 249, Laws of 1909 and to Title 9 RCW a new section to read as follows:

Crimes and criminal procedure. Measurement and weight of goods, etc.

Because of the widespread importance to the marketing of goods, raw materials and agricultural products such as, but not limited to, grains, timber, logs, wood chips, scrap metal, oil, gas, petroleum products, coal, fish and other commodities, that qualitative and quantitative measurements of such goods, materials and products be accurately and honestly made, it is declared to be the public policy of this state that certain conduct with respect to said measurement be declared unlawful.

New section.

Sec. 2. There is added to chapter 249, Laws of 1909 and to Title 9 RCW a new section to read as follows:

Every person, corporation, or association whether profit or nonprofit, who shall ask or receive, or conspire to ask or receive, directly or indirectly, any compensation, gratuity, or reward or any promise thereof, on any agreement or understanding that he shall (1) intentionally make an inaccurate visual or mechanical measurement or an intentionally inaccurate recording of any visual or mechanical measurement of goods, raw materials, and agricultural products (whether severed or unsevered from the land) which he has or will have the duty to measure, or shall (2) intentionally change, alter or affect, for the purpose of making an inaccurate measurement, any equipment or other device which is designed to measure, either qualitatively or quantitatively, such goods, raw materials, and agricultural products, or shall intentionally alter the recordation of such measurements, shall be guilty of a felony, punishable by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or both.

Accepting  
bribe to meas-  
ure inac-  
curately.  
Penalty.

Sec. 3. There is added to chapter 249, Laws of 1909 and to Title 9 RCW a new section to read as follows:

New section.

Every person who shall give, offer or promise, or conspire to give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any person, corporation, independent contractor, or agent, employee or servant thereof with intent to violate section 2 of this act, shall be guilty of a felony, punishable by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or both.

Offer to bribe  
to measure  
inaccurately.  
Penalty.

Sec. 4. Section 147, page 124, Laws of 1854 as last amended by section 84, chapter 28, Laws of 1891, and RCW 10.82.030 are each amended to read as follows:

RCW 10.82.030  
amended.

Crime and criminal procedure—Fines and costs—Commitment for failure to pay fines and costs—Execution against defendant's property—Working out.

If any person ordered into custody until the fine and costs adjudged against him be paid shall not, within five days, pay, or cause the payment of the same to be made, the clerk of the court shall issue a warrant to the sheriff commanding him to imprison such defendant in the county jail until the amount of such fine and costs owing are paid. Execution may at any time issue against the property of the defendant for that portion of such fine and costs not reduced by the application of this section. The amount of such fine and costs owing shall be the whole of such fine and costs reduced by the amount of any portion thereof paid, and ten dollars for every day the defendant performs labor as provided in section 5 of this 1967 amendatory act, and eight dollars for every day the defendant does not perform such labor while imprisoned.

RCW 10.82.040 amended.

Sec. 5. Section 151, page 124, Laws of 1854 as last amended by the second paragraph of section 1, page 38, Laws of 1883, and RCW 10.82.040 are each amended to read as follows:

Working out fines.

When a defendant is committed to jail, on failure to pay any fines and costs, he shall, under the supervision of the county sheriff and subject to the terms of any ordinances adopted by the county commissioners, be permitted to perform labor to reduce the amount owing of the fine and costs.

RCW 10.04.110 amended.

Sec. 6. Section 176, page 261, Laws of 1854 as last amended by section 6, chapter 11, Laws of 1891, and RCW 10.04.110 are each amended to read as follows:

Justice court—Commitment for failure to pay fine and costs—Execution against property—Working out.

In all cases of conviction, unless otherwise provided in this chapter, the justice shall enter judgment for the fine and costs against the defendant, and may commit him to jail until the amount of such fine and costs owing are paid, or the payment thereof be secured as provided by RCW 10.14.120. The amount of such fine and costs owing shall be

computed as provided for superior court cases in sections 4 and 5 of this 1967 amendatory act. Further proceedings therein shall be had as in like cases in the superior court.

Sec. 7. Section 1, chapter 24, Laws of 1905 as last amended by section 1, chapter 227, Laws of 1957 and RCW 9.92.060 are each amended to read as follows:

RCW 9.92.060  
amended.

Whenever any person shall be convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, carnal knowledge of a female child under the age of ten years, or rape, the court may in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by such court, and that the sentenced person be placed under the charge of a parole or peace officer during the term of such suspension, upon such terms as the court may determine: *Provided*, That as a condition to suspension of sentence, the court may require the convicted person to make such monetary payments, on such terms as the court 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, and (3) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required. In no case shall a sentence be suspended under the provisions of this section unless the person if sentenced to confinement in a penal institution be placed under the charge of a parole officer, who is a duly appointed and acting officer of the institution to which the person is sentenced: *Provided*, That persons convicted in justice court may be

Punishment—  
Suspending  
sentence.

Crimes and criminal procedure.

placed under supervision of a probation officer employed for that purpose by the board of county commissioners of the county wherein the court is located.

**NOTE:** See also section 53, chapter 145, Laws of 1967 ex. sess.

RCW 9.95.210 amended.

Sec. 8. Section 4, chapter 227, Laws of 1957 and RCW 9.95.210 are each amended to read as follows:

Conditions may be imposed upon probation.

The court in granting probation, may suspend the imposing or the execution of the sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum term of sentence, 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, may in its discretion imprison the defendant in the county jail for a period not exceeding one year or may fine defendant any sum not exceeding one thousand dollars plus the costs of the action, and may in connection with such probation impose both imprisonment in the county jail and fine and court costs. 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, and (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 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 board of prison terms and paroles or such officer as the board may designate and as a condition of said probation to follow

implicitly the instructions of the board of prison terms and paroles. The board of prison terms and paroles will promulgate rules and regulations for the conduct of such person during the term of his probation: *Provided*, That for defendants found guilty in justice court, like functions as the board of prison terms and paroles performs in regard to probation may be performed by probation officers employed for that purpose by the board of county commissioners of the county wherein the court is located.

**NOTE:** See also section 16, chapter 134, Laws of 1967, and section 54, chapter 145, Laws of 1967 ex. sess.

Sec. 9. Notwithstanding the provisions of chapter 72.01 RCW or any other provision of law, counties may engage in probation and parole services and employ personnel therefor under such terms and conditions as any such county shall so determine.

County  
probation and  
parole—  
Authority.

Sec. 10. Section 7, chapter 133, Laws of 1955 and RCW 9.95.060 are each amended to read as follows:

RCW 9.95.060  
amended.

When a convicted person appeals from his conviction and is at liberty on bond pending the determination of the appeal by the supreme court, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified to the department of institutions, the Washington state board of prison terms and paroles, and the prosecuting attorney of the county in which such convicted person was convicted and sentenced, by the sheriff of such county. If such convicted person does not appeal from his conviction, but is at liberty for a period of time subsequent to the signing of the judgment and sentence, or becomes a fugitive, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified as provided in this section. In all other cases, credit on a sentence will begin

When sen-  
tence begins  
to run.

from the date the judgment and sentence is signed by the court.

Repeal.

Sec. 11. Section 3, chapter 42, Laws of 1955 and RCW 9.95.061 are each repealed.

Emergency.

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.

Severability.

Sec. 13. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Passed the House March 8, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 201.

[Substitute House Bill No. 16.]

DEBT ADJUSTING.

AN ACT relating to debt adjusting; providing for the supervision, regulation, licensing and bonding of debt adjusters and debt adjusting agencies; and prescribing penalties.

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

Debt adjusters.  
Definitions.

Section 1. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this act shall have the following meanings:

(1) "Debt adjusting" means the managing, counseling, settling, adjusting, prorating, or liquidating

of the indebtedness of a debtor, or receiving funds for the purpose of distributing said funds among creditors in payment or partial payment of obligations of a debtor.

(2) "Debt adjuster", which includes any person known as a debt pooler, debt manager, debt consolidator, debt prorater, or credit counselor, is any individual person engaging in or holding himself out as engaging in the business of debt adjusting for compensation. The term shall not include:

(a) Attorneys at law, escrow agents, accountants, broker-dealers in securities, or investment advisers in securities, while performing services solely incidental to the practice of their professions;

(b) Any person, partnership, association, or corporation doing business under and as permitted by any law of this state or of the United States relating to banks, small loan companies, industrial loan companies, trust companies, mutual savings banks, savings and loan associations, building and loan associations, credit unions, crop credit associations, development credit corporations, industrial development corporations, title insurance companies, or insurance companies.

(c) Persons who, as employees on a regular salary or wage of an employer not engaged in the business of debt adjusting, perform credit services for their employer;

(d) Public officers while acting in their official capacities and persons acting under court order;

(e) Any person while performing services incidental to the dissolution, winding up or liquidation of a partnership, corporation, or other business enterprise.

(f) Nonprofit organizations dealing exclusively with debts owing from commercial enterprises to business creditors.

Debt adjusters.  
Definitions.

(3) "Debt adjusting agency" is any partnership, corporation, or association engaging in or holding itself out as engaging in the business of debt adjusting.

(4) "License" means a debt adjuster license or debt adjusting agency license issued under the provisions of this act.

(5) "Licensee" means a debt adjuster or debt adjusting agency to whom a license has been issued under the provisions of this act.

(6) "Director" means the director of the department of motor vehicles.

License re-  
quired.

Sec. 2. No debt adjuster, debt adjusting agency, or branch office of any debt adjusting agency may engage in the business of debt adjusting within this state except as authorized by this act and without first obtaining a license from the director.

Application  
for license—  
Fees—Bond—  
Qualifications.

Sec. 3. An application for a license shall be in writing, under oath, and in the form prescribed by the director. The application shall contain such relevant information as the director may require, but in all cases shall contain the name and residential and business addresses of each individual applicant, and of each member when the applicant is a partnership or association, and of each director and officer when the applicant is a corporation.

Except as provided hereinafter in this section the applicant shall pay an investigation fee of fifty dollars and a licensing fee of fifty dollars: *Provided*, That a branch office of a licensed debt adjusting agency need not pay an investigation fee but only the licensing fee. If a license is not issued in response to the application, the director shall return fifty dollars to the applicant. An annual license fee of fifty dollars shall be paid to the director by January 1st of each year. If the annual license fee is not paid by January 1st, the licensee shall be assessed a

penalty for late payment in the amount of twenty-five dollars. And if the fee and penalty are not paid by January 31st, reapplication for a new license will be necessary, which may include taking any examination prescribed by the director.

The applicant shall file a surety bond with the director or in lieu thereof the applicant may file with the director a cash deposit or other negotiable security acceptable to the director and under conditions set forth in section 4 of this act: *Provided*, That each branch office of a debt adjusting agency shall be required to be bonded as provided herein, but no bond will be required of an individual applicant while he is employed by a bonded debt adjusting agency or branch thereof.

The applicant shall furnish the director with such proof as the director may reasonably require to establish the qualifications set forth in section 6 of this act.

If the applicant is an individual person making an original license application he shall pay an examination fee of fifty dollars.

If the applicant is applying for a debt adjusting agency license it shall furnish the director with complete forms of all contracts and assignments designed for execution by debtors making any assignments to or placing any property with the applicant for the purpose of paying the creditors of such debtors, and complete forms of all contracts and agreements designed for execution by creditors to whom payments are made by the applicant. Only such forms furnished the director and not disapproved by him shall be used by a debt adjusting agency licensee.

Sec. 4. The bond, required in section 3 of this act, shall be a surety bond, annually renewable on January 1st, to be approved by the director as to form and content, in the sum of ten thousand dollars,

Debt adjusters—Bond requirements—Security in lieu of bond.

Debt adjusters  
—Bond re-  
quirements—  
Security in  
lieu of bond.

executed by the applicant as principal and by a surety company authorized to do business in this state as a surety, whose liability shall not exceed the said sum in the aggregate. Such bond shall run to the state of Washington as obligee for the benefit of the state and of any person or persons who may have cause of action against the principal of said bond under the provisions of this act. Such bond shall be conditioned that said principal as licensee hereunder will not commit any fraudulent act and will comply with the provisions of this act and the rules lawfully adopted hereunder, and will pay to the state and any such person or persons any and all moneys that may become due and owing from such principal under and by virtue of the provisions of this act. The surety on such bond shall be released and discharged from all liability accruing on such bond after the expiration of thirty days from the date upon which such surety shall have lodged with the director a written request to be released and discharged, but this provision shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty day period. The director shall promptly upon receiving any such request notify the principal who furnished the bond; and unless the principal shall, on or before the expiration of the thirty day period, file a new bond, the director shall forthwith cancel the principal's license.

An applicant for a license under this act may furnish, file and deposit with the director, in lieu of the surety bond provided for herein, United States currency or bonds, representing obligations of the United States, or bonds of the state of Washington or any legal subdivision thereof, for which the faith of the United States, the state of Washington or any legal subdivision thereof is pledged, for the payment

of both the principal and interest, equal in amount to the amount of the bond required by this act. The security deposited with the director in lieu of the surety bond shall be returned to the licensee at the expiration of three years after the license issued thereon has expired or been revoked if no legal action has been instituted against the licensee or on the bond at the expiration of said three years.

Sec. 5. If the licensee has failed to account to a debtor or distribute to the debtor's creditors such amounts as are required by this act and the contract between the debtor and licensee, the debtor, his legal representative or receiver, or the director, shall have, in addition to all other legal remedies, a right of action in the name of the debtor on the bond or the security given pursuant to the provisions of section 4 of this act, for loss suffered by the debtor, not exceeding the face of the bond or security, and without the necessity of joining the licensee in such suit or action. No action shall be brought upon any bond or security given under section 4 of this act after the expiration of three years from the revocation or expiration of the license issued thereon. Upon entering judgment for plaintiff in any action on the bond required under section 4 of this act, for more than the sum tendered in the court by the defendant, if any, the court shall include in the judgment reasonable compensation for services of plaintiff's attorney in the action.

Action on  
bond or se-  
curity.

Sec. 6. The director shall issue a license to an applicant if the following requirements are met:

(1) The application is complete and the applicant has complied with section 3 of this act.

(2) Neither an individual applicant, nor any of the applicant's members if the applicant is a partnership or association, nor any of the applicant's officers or directors if the applicant is a corporation:

Debt adjusters  
—Applicants  
for licenses—  
Requirements.

Debt adjusters  
—Applicants  
for licenses—  
Requirements.

(a) Has ever been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any other like offense, or has been disbarred from the practice of law; (b) has participated in a violation of this act or of any valid rules, orders or decisions of the director promulgated under this act; (c) has had a license to engage in the business of debt adjusting revoked or removed in this or any other state; or (d) is an employee or owner of a retail business of any kind, a collection agency, or process serving business.

(3) An individual applicant is at least twenty-one years of age, a citizen of the United States, and a resident of this state for at least one year.

(4) An applicant which is a partnership, corporation, or association is authorized to do business in this state.

(5) An individual applicant for an original license as a debt adjuster has passed an examination administered by the director, which examination may be oral or written, or partly oral and partly written, and shall be practical in nature and sufficiently thorough to ascertain the applicant's fitness. Questions on bookkeeping, credit adjusting, business ethics, agency, contracts, debtor and creditor relationships, trust funds and the provisions of this act may be included in the examination.

**NOTE:** See also section 1, chapter 141, Laws of 1967 ex. sess.

Licenses—  
Form—Con-  
tents—Display  
—Transferability.

Sec. 7. Each license shall:

(1) Be in the form and size prescribed by the director;

(2) Show the name of the licensee and the address at which the business of debt adjusting is to be conducted;

(3) Show the date of expiration of the license as December 31st, and show such other matter as may be prescribed by the director;

(4) While in force, be at all times conspicuously displayed in the outer office of the debt adjusting agency or branch thereof; and

(5) Not be transferable or assignable.

Sec. 8. By contract a licensee may charge a reasonable fee for debt adjusting services, which fee may not exceed fifteen percent of the total debts reported to and listed with the licensee by the debtor and/or the debtor's listed creditors. The licensee may require an initial payment by the debtor of an amount not to exceed twenty-five dollars which initial payment shall be part of the total allowable fee contracted for, and may not otherwise take or receive for services performed for any one person more than fifteen percent of the amount received by it at any one time from or on behalf of that person.

Fees—Limitations—Requirements.

In the event of cancellation or default on performance of the contract by the debtor prior to its successful completion, the licensee may collect in addition to fees previously received, six percent of the remaining indebtedness listed on said contract, but not to exceed seventy-five dollars.

A licensee shall not be entitled to retain any fee until notifying all creditors listed by the debtor that the debtor has engaged the licensee in a program of debt adjusting.

**NOTE:** See also section 2, chapter 141, Laws of 1967 ex. sess.

Sec. 9. If a licensee contracts for, receives or makes any charge in excess of the maximums permitted by this act, except as the result of an accidental and bona fide error, the licensee's contract with the debtor shall be void and the licensee shall return to the debtor the amount of all payments received from the debtor or on his behalf and not distributed to creditors.

Excess charges—Effect.

Sec. 10. Every contract between a licensee and a debtor shall:

Contract requirements.

Debt adjusters  
—Contract—  
Mandatory  
provisions.

(1) List every debt to be handled with the creditor's name and disclose the approximate total of all known debts;

(2) Provide in precise terms payments reasonably within the ability of the debtor to pay;

(3) Disclose in precise terms the rate and amount of the licensee's charge;

(4) Disclose the approximate number and amount of installments required to pay the debts in full;

(5) Disclose the name and address of the licensee and of the debtor; and

(6) Contain such other and further provisions or disclosures as the director shall determine are necessary for the protection of the debtor and the proper conduct of business by the licensee.

Licenses—  
Function re-  
quired to be  
performed.

Sec. 11. Every licensee shall perform the following functions:

(1) Make a permanent record of all payments by debtors, or on the debtors' behalf, and of all disbursements to creditors of such debtors, and shall keep and maintain in this state all such records, and all payments not distributed to creditors. No person shall intentionally make any false entry in any such record, or intentionally mutilate, destroy or otherwise dispose of any such record. Such records shall at all times be open for inspection by the director or his authorized agent, and shall be preserved as original records or by microfilm or other methods of duplication acceptable to the director, for at least six years after making the final entry therein.

(2) Deliver a completed copy of the contract between the licensee and a debtor to the debtor immediately after the debtor executes the contract, and sign the debtor's copy of such contract.

(3) Unless paid by check or money order, deliver a receipt to a debtor for each payment within five days after receipt of such payment.

(4) Distribute to the creditors of the debtor at least once each forty days after receipt of payment during the term of the contract at least sixty percent of each payment received from the debtor. No more than twenty-five percent of any payment shall be allocated to the debtor's undistributed reserve account. In the event of cancellation or default on performance of the contract by the debtor, the licensee must distribute to the creditors of the debtor the funds of the debtor held by the licensee, less the amount retained by the licensee in accordance with section 8 of this act.

(5) At least once every six months render an accounting to the debtor which shall indicate the total amount received from or on behalf of the debtor, the total amount paid to each creditor, the total amount which any creditor has agreed to accept as payment in full on any debt owed him by the debtor, the amount of charges deducted, and any amount held in reserve. The licensee shall in addition render such an account to a debtor within ten days after written demand.

Sec. 12. A licensee shall not:

(1) Take any contract, or other instrument which has any blank spaces when signed by the debtor;

(2) Receive or charge any fee in the form of a promissory note or other promise to pay or receive or accept any mortgage or other security for any fee, whether as to real or personal property;

(3) Lend money or credit;

(4) Take any confession of judgment or power of attorney to confess judgment against the debtor or appear as the debtor in any judicial proceedings;

(5) Take, concurrent with the signing of the contract or as a part of the contract or as part of the application for the contract, a release of any obligation to be performed on the part of the licensee;

Debt adjusters  
—Licensees—  
Prohibited  
acts.

Debt adjusters  
—Licensees  
—Prohibited  
acts.

(6) Advertise his services, display, distribute, broadcast or televise, or permit his services to be displayed, advertised, distributed, broadcasted or televised in any manner whatsoever wherein any false, misleading or deceptive statement or representation with regard to the services to be performed by the licensee, or the charges to be made therefor, is made;

(7) Offer, pay, or give any cash, fee, gift, bonus, premiums, reward, or other compensation to any person for referring any prospective customer to the licensee;

(8) Receive any cash, fee, gift, bonus, premium, reward, or other compensation from any person other than the debtor or a person in the debtor's behalf in connection with his activities as a licensee; or

(9) Disclose to anyone, other than the director or his agent, the debtors who have contracted with the licensee; nor shall the licensee disclose the creditors of a debtor to anyone other than: (a) The debtor, or (b) the director or his agent, or (c) another creditor of the debtor and then only to the extent necessary to secure the cooperation of such a creditor in a debt adjusting plan.

Legal services  
—Prohibited  
acts.

Sec. 13. Without limiting the generality of the foregoing and other applicable laws, the licensee, manager or employee of a licensee shall not:

(1) Prepare, advise, or sign a release of attachment or garnishment, stipulation, affidavit for exemption, compromise agreement or other legal or court document, nor furnish legal advice or perform legal services of any kind;

(2) Represent that he is authorized or competent to furnish legal advice or perform legal services;

(3) Assume authority on behalf of creditors or a debtor or accept a power of attorney authorizing it

to employ or terminate the services of any attorney or to arrange the terms of or compensate for such services; or

(4) Communicate with the debtor or creditor or any other person in the name of any attorney or upon the stationery of any attorney or prepare any form or instrument which only attorneys are authorized to prepare.

Sec. 14. Nothing in this act shall be construed as prohibiting the assignment of wages by a debtor to a licensee, if such assignment is otherwise in accordance with the law of this state.

Assignment of wages not prohibited.

Sec. 15. Any payment received by a licensee from or on behalf of a debtor shall be held in trust by the licensee from the moment it is received. The licensee shall not commingle such payment with his own property or funds, but shall maintain a separate trust account and deposit in such account all such payments received. All disbursements whether to the debtor or to the creditors of the debtor, or to the licensee, shall be made from such account.

Payments trust account—Disbursements.

Sec. 16. The director shall, upon reasonable opportunity to be heard, revoke any license issued pursuant to this act if he finds that:

Revocation of license—Grounds.

(1) The licensee has failed to renew its bond as required by this act;

(2) The licensee has violated any provision of this act or any rule, promulgated by the director under the authority of this act or any order or decision of the director hereunder; or

(3) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the director in refusing originally to issue such license.

Sec. 17. The director may promulgate rules, make specific decisions, orders and rulings, including therein demands and findings, and take other

Debt adjusters—Rules, orders, decisions.

Debt adjusters  
—Rules, orders, decisions.

necessary action for the implementation and enforcement of this act. The director may include among rules promulgated, those which describe and forbid deceptive advertising.

Administrative procedures act to apply.

Sec. 18. The administrative procedure act, Chapter 34.04 RCW, shall wherever applicable herein, govern the rights, remedies, and procedures respecting the administration of this act.

Violations—Penalty.

Sec. 19. Any person who violates any provision of this act or aids or abets such violation, or any rule lawfully promulgated hereunder or any order or decision of the director hereunder, or any person who operates as a debt adjuster without a license, shall be guilty of a misdemeanor.

Violations may be enjoined.

Sec. 20. Notwithstanding any other actions which may be brought under the laws of this state, the attorney general or the prosecuting attorney of any county within the state may bring an action in the name of the state against any person to restrain and prevent any violation of this act.

Violations—Assurance of discontinuance—Effect.

Sec. 21. The attorney general may accept an assurance of discontinuance of any act or practice deemed in violation of this act in the enforcement thereof from any person engaging in or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in the alternative, in Thurston county. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this act for the purpose of securing any injunction as provided for in section 20 of this act: *Provided*, That after commencement of any action by a prosecuting attorney, as provided therein, the attorney general may not accept an assurance of

discontinuance without the consent of said prosecuting attorney.

Sec. 22. Any person who violates any injunction issued pursuant to this act shall forfeit and pay a civil penalty of not more than one thousand dollars. For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

Violation of  
injunction—  
Civil penalty.

Sec. 23. The provisions of this act shall not invalidate or make unlawful contracts between debt adjusters and debtors executed prior to the effective date of this act.

Savings.

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.

Severability.

Passed the House March 8, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 202.

[Substitute House Bill No. 345.]

MOTOR VEHICLES—LICENSING.

AN ACT relating to motor vehicles and the licensing thereof; providing for identifying decals for certain farm vehicles in lieu of the licensing thereof and prescribing fees therefor; providing for temporary licensing of certain motor vehicles; and exempting certain purchasers of the same from imposition of certain taxes; amending section 46.16.010, chapter 12, Laws of 1961 as last amended by section 51, chapter 3, Laws of 1963 extraordinary session and RCW 46.16.010; adding five new sections to chapter 12, Laws of 1961 and to chapter 46.04 RCW.

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

Motor vehicles  
—Licensing.  
Farm vehicle  
defined.

Section 1. "Farm vehicle" means any vehicle other than a farm tractor or farm implement which is designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies and/or farm labor thereon and is only incidentally operated on or moved along public highways for the purpose of going from one farm to another.

RCW 46.16.010  
amended.

Sec. 2. Section 46.16.010, chapter 12, Laws of 1961 as last amended by section 51, chapter 3, Laws of 1963 extraordinary session and RCW 46.16.010 are each amended to read as follows:

Farm vehicles  
—Licenses re-  
quired—  
Exceptions.

It shall be unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license number plates therefor as by this chapter provided: *Provided*, That these provisions shall not apply to farm vehicle as defined in section 1 of this 1967 amendatory act if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements includ-

ing trailers designed as cook or bunkhouses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law: *Provided further*, That these provisions shall not apply to equipment defined as follows:

“Special highway construction equipment” is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement

Farm vehicles  
—Licenses  
required—  
Exceptions.

does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

“Special highway construction equipment” does not include any of the following:

(a) Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

New section.

Sec. 3. There is added to chapter 12, Laws of 1961 and to chapter 46.16 RCW a new section to read as follows:

Exempted  
farm vehicles  
—Display of  
decal—Appli-  
cation—  
Contents. Fee.

Before any “farm vehicle”, as defined in section 1 of this amendatory act, shall operate on or move along a public highway, there shall be displayed upon it in a conspicuous manner a decal or other device, as may be prescribed by the director of motor vehicles and issued by the department of motor vehicles, which shall describe in some manner the vehicle and identify it as a vehicle exempt from the licensing requirements of this chapter. Application for such identifying devices shall be made to the department on a form furnished for that purpose by the director. Such application shall be made by the owner or lessee of the vehicle, or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge. The application must show:

(1) The name and address of the owner of the vehicle;

(2) The trade name of the vehicle, model, year, type of body, the motor number or the identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;

(3) The purpose for which said vehicle is to be principally used;

(4) Such other information as shall be required upon such application by the director; and

(5) Place where farm vehicle is principally used or garaged.

A fee of five dollars shall be charged for and submitted with such application for an identification decal as in this section provided as to each farm vehicle which fee shall be deposited in the motor vehicle fund and distributed proportionately as otherwise provided for vehicle license fees under RCW 46.68.030. Only one application need be made as to each such vehicle, and the status as an exempt vehicle shall continue until suspended or revoked for misuse, or when such vehicle no longer is used as a farm vehicle.

Sec. 4. Upon the payment of a fee of ten dollars therefor, the department of motor vehicles shall issue a temporary motor vehicle license for a motor vehicle in this state for a period of forty-five days when such motor vehicle has been or is being purchased by a non-resident member of the armed forces of the United States and an application, accompanied with prepayment of required fees, for out of state registration has been made by the purchaser.

Non-resident  
member of  
armed services  
—Temporary  
vehicle license  
—Fee.

Sec. 5. The temporary license provided for in section 4 of this act shall be carried on the interior of the motor vehicle in such a way as to be clearly visible from outside the vehicle.

Display of  
temporary  
license.

Vehicle of non-resident member of armed forces —Tax exemption.

Sec. 6. The original purchaser of a motor vehicle, for which a temporary license as provided in section 4 of this act has been issued, shall not be subject to the sales tax, use tax, or motor vehicle excise tax during the effective period of such license or thereafter unless the motor vehicle, after the effective period of such license, is still in this state or within a period of one year after the effective period of such license is returned to this state.

Rules and regulations.

Sec. 7. The department of motor vehicles shall prescribe rules and regulations governing the administration of this act. The department may require that adequate proof of the facts asserted in the application for a temporary license shall be made before the temporary license shall be granted.

Passed the House March 9, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 203.

[Engrossed House Bill No. 5.]

CIVIL DEFENSE—SEARCH AND RESCUE.

AN ACT relating to civil defense; providing for coordination of search and rescue operations and the appointment of a state coordinator of search and rescue operations; amending section 3, chapter 178, Laws of 1951 as amended by section 2, chapter 223, Laws of 1953, and RCW 38.52.010; amending section 2, chapter 178, Laws of 1951 as amended by section 1, chapter 223, Laws of 1953 and RCW 38.52.020; and amending section 4, chapter 178, Laws of 1951, and RCW 38.52.030.

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

RCW 38.52.010 amended.

Section 1. Section 3, chapter 178, Laws of 1951, as amended by section 2, chapter 223, Laws of 1953, and RCW 38.52.010 are each amended to read as follows:

As used in this chapter:

(1) "Civil defense" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storm, earthquake, or other natural causes, and to provide support for search and rescue operations for persons and property in distress. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation and for carrying out of the foregoing functions.

(2) "Local organization for civil defense" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local civil defense functions.

(3) "Mobile support unit" means an organization for civil defense created in accordance with the provisions of this chapter by state or local authority to be dispatched by the governor to supplement local organizations for civil defense in stricken areas.

(4) "Political subdivision" means any county, city or town.

(5) "Civil defense worker" means any person who is registered with a state or local civil defense organization and holds an identification card issued

Civil defense.  
Definitions.

by the state or local civil defense director for the purpose of engaging in authorized civil defense service or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform civil defense service.

(6) "Civil defense service" means and includes all activities authorized by and carried on pursuant to the provisions of the Washington civil defense act of 1951, including training necessary or proper to engage in such activities.

(7) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of civil defense service.

RCW 38.52.020  
amended.

Sec. 2. Section 2, chapter 178, Laws of 1951, as amended by section 1, chapter 223, Laws of 1953, and RCW 38.52.020 are each amended to read as follows:

Policy and  
purpose.

(1) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, storm, earthquake, or other natural causes, and in order to insure that preparations of this state will be adequate to deal with such disasters, and further to insure adequate support for search and rescue operations, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

(a) To create a state civil defense agency, and to authorize the creation of local organizations for civil defense in the political subdivisions of the state;

(b) To confer upon the governor and upon the executive heads of the political subdivisions of the state the emergency powers provided herein;

(c) To provide for the rendering of mutual aid among the political subdivisions of the state and

with other states and to cooperate with the federal government with respect to the carrying out of civil defense functions; and

(d) To provide a means of compensating civil defense workers who may suffer any injury as herein defined as a result of participation in civil defense service.

(2) It is further declared to be the purpose of this chapter and the policy of the state that all civil defense functions of this state and its political subdivisions be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

Sec. 3. Section 4, chapter 178, Laws of 1951, and RCW 38.52.030 are each amended to read as follows:

RCW 38.52.030 amended.

(1) There is hereby created within the executive branch of the state government a department of civil defense (hereinafter called the civil defense agency) and a director of civil defense (hereinafter called the director) who shall be the head thereof. The director shall be appointed by the governor with the advice and consent of the senate; he shall not hold any other state office; he shall hold office during the pleasure of the governor, and shall be compensated at the rate established by the governor's advisory committee on salaries and wages.

Civil defense department—Creation—Director—Powers and duties—Communications coordinating committee.

(2) The director may employ such technical, clerical, stenographic, and other personnel and may make such expenditures within the appropriation therefor, or from other funds made available to him for purposes of civil defense, as may be necessary to carry out the purposes of this chapter.

Civil defense  
department—  
Creation—Di-  
rector—Pow-  
ers and duties  
—Communi-  
cations co-  
ordinating  
committee.

(3) The director and other personnel of the civil defense agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other state agencies.

(4) The director, subject to the direction and control of the governor, shall be the executive head of the civil defense agency and shall be responsible to the governor for carrying out the program for civil defense of this state. He shall coordinate the activities of all organizations for civil defense within the state, and shall maintain liaison with and cooperate with civil defense agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(5) The director shall appoint a communications coordinating committee consisting of six men with the director as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall be given full and complete authority over all plans for the direction and control of any communications facilities or functions to be operated or controlled under the provisions of this chapter by the department of civil defense, except supplemental emergency communications facilities under the direction of any local organization for civil defense.

(6) The director shall appoint a state coordinator of search and rescue operations, who shall coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and who shall on request maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

Passed the House January 28, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 204.

[Reengrossed House Bill No. 216.]

CRIMES—FIRE ALARMS AND APPARATUS.

AN ACT relating to crimes and punishment; defining crimes; adding a new section to chapter 249, Laws of 1909 and to chapter 9.40 RCW; and providing penalties.

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

New section.

Section 1. There is added to chapter 249, Laws of 1909 and to chapter 9.40 RCW a new section to read as follows:

Crimes—Fire alarms and apparatus.

Any person who wilfully and without cause tampers with, molests, injures or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment, or who wilfully and without having reasonable grounds for believing a fire exists, sends, gives, transmits, or sounds any false alarm of fire, by shouting in a public place or by means of any public or private fire alarm system or signal, or by telephone, is guilty of a misdemeanor. This provision shall not prohibit the testing of fire alarm systems by persons authorized to do so, by a fire department or state fire marshal official.

Passed the House March 6, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 205.

[House Bill No. 188.]

## IRRIGATION DISTRICTS—DIRECTOR DIVISIONS.

AN ACT relating to irrigation districts; amending section 7, chapter 13, Laws of 1939 as amended by section 5, chapter 192, Laws of 1961, and RCW 87.04.050; and adding a new section to chapter 13, Laws of 1939 and chapter 87.04 RCW.

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

Section 1. Section 7, chapter 13, Laws of 1939 as amended by section 5, chapter 192, Laws of 1961 and RCW 87.04.050 are each amended to read as follows:

RCW 87.04.050 amended.

If the number of directors is changed for a district which is divided into director divisions or new lands outside of existing director divisions are included into a district but cannot be added to director divisions as provided in section 2 of this 1967 amendatory act due to geographic limitations, a petition for redivision or addition shall be filed with the board of county commissioners by the directors of the district and all proceedings thereon shall be conducted in the manner as provided in RCW 87.04.060 and 87.04.070: *Provided*, That even if objections are filed at the hearing on said petition, no election shall be held but the board of county commissioners shall make such division or addition that they determine to be fair and equitable to the electors of the district.

Irrigation districts—Director divisions.

Sec. 2. There is added to chapter 13, Laws of 1939 and chapter 87.04 RCW a new section to read as follows:

New section.

When land located outside existing director divisions is included in an irrigation district such land shall thereby be added to the nearest director division, except that where added lands are adjacent to

Irrigation districts—Boundaries.

Irrigation districts—Boundaries.

two or more director divisions, the common boundary lines between the divisions shall be extended in a straight line so as to include the new lands in such divisions: *Provided*, That where the provisions of this section cannot be applied due to geographic limitations, the procedures provided for in section 1 of this 1967 amendatory act shall apply.

Passed the House February 1, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 206.

[House Bill No. 36.]

IRRIGATION DISTRICTS—POWERS.

AN ACT relating to irrigation districts; authorizing contracts for operation and maintenance of irrigation and drainage works; empowering an irrigation district to acquire, by conveyance without cost, a water system from a water district wholly within the irrigation district's boundaries; and amending section 2, chapter 138, Laws of 1923, as last amended by section 1, chapter 141, Laws of 1965, and RCW 87.03.015.

*Re it enacted by the Legislature of the State of Washington:*

RCW 87.03.015 amended.

Section 1. Section 2, chapter 138, Laws of 1923, as last amended by section 1, chapter 141, Laws of 1965 and RCW 87.03.015 are each amended to read as follows:

Irrigation districts—Powers and duties.

Any irrigation district, operating and maintaining an irrigation system, in addition to other powers conferred by law, shall have authority:

- (1) To purchase, and sell electric power to the inhabitants of the irrigation district for the purposes of irrigation and domestic use, to acquire, construct and lease dams, canals, plants, transmission lines, and other power equipment and the necessary prop-

erty and rights therefor and to operate, improve, repair and maintain the same, for the generation and transmission of electrical energy, used in the operation of pumping plants and irrigation systems of the district, and to sell the surplus of any such electrical energy over and above the requirements of the irrigation districts to municipalities, public and private corporations and individuals, on such terms and conditions as the board of directors shall determine: *Provided*, That no contract entered into by such board for the sale of electrical energy to continue for a period longer than ten years shall be binding on the district until ratified by a majority vote of the electors of the district at an election therein, called, held and canvassed for that purpose in the same manner as that provided by law for district bond elections.

(2) To construct, repair, purchase, maintain or lease a system for the sale or lease of water to the owners of irrigated lands within the district for domestic purposes.

(3) To construct, repair, purchase, lease, acquire, operate and maintain a system of drains, sanitary sewers, and sewage disposal or treatment plants as herein provided.

(4) To assume, as principal or guarantor, any indebtedness to the United States under the federal reclamation laws, on account of district lands.

(5) To maintain, repair, construct and reconstruct ditches, laterals, pipe lines and other water conduits used or to be used in carrying water for irrigation of lands located within the boundaries of a city or town where the owners of land within such city or town shall use such irrigation works to carry water to the boundaries of such city or town for irrigation or other purposes within such city or town, and to charge to such city or town the pro rata proportion of the cost of such maintenance, re-

Irrigation dis-  
tricts—Powers  
and duties.

pair, construction and reconstruction work in proportion to the benefits received by the lands served and located within the boundaries of such city or town, and if such cost is not paid, then and in that event said irrigation district shall have the right to prevent further water deliveries through such irrigation works to the lands located within the boundaries of such city or town until such charges have been paid.

(6) To acquire, install and maintain as a part of the irrigation district's water system the necessary water mains and fire hydrants to make water available for fire fighting purposes; and in addition any such irrigation district shall have the authority to repair, operate and maintain such hydrants and mains.

(7) To enter into contracts with another irrigation district or districts or board of control to operate and maintain for, or partially for, such district or districts or board of control, irrigation and drainage works, or portions of such works, where it is concerned with, and will be affected by, the operation and maintenance thereof.

This section shall not be construed as in any manner abridging any other powers of an irrigation district conferred by law.

(8) To acquire from a water district wholly within the irrigation district's boundaries, by a conveyance without cost, the water district's water system and to operate the same to provide water for the domestic use of the irrigation district residents. As a part of its acceptance of the conveyance the irrigation district must agree to relieve the water district of responsibility for maintenance and repair of the system. Any such water district is authorized to make such a conveyance if all indebtedness of the water district, except local improvement district bonds, has been paid and the conveyance has been

approved by a majority of the water district's electors voting at a general or special election.

This section shall not be construed as in any manner abridging any other powers of an irrigation district conferred by law.

Passed the House March 9, 1967.

Passed the Senate March 9, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 207.

[House Bill No. 1.]

### AERONAUTICS—PILOT REGISTRATION—AIRCRAFT SEARCH AND RESCUE, SAFETY AND EDUCATION FUND.

AN ACT relating to aeronautics and providing for state registration of pilots; amending section 23, chapter 165, Laws of 1947 as amended by section 11, chapter 49, Laws of 1949 and RCW 14.04.230; adding a new section to chapter 165, Laws of 1947 and to chapter 14.04 RCW; and prescribing penalties.

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

Section 1. Section 23, chapter 165, Laws of 1947 as amended by section 11, chapter 49, Laws of 1949 and RCW 14.04.230 are each amended to read as follows:

RCW 14.04.230  
amended.

It shall be unlawful for any person to operate or cause or authorize to be operated any civil aircraft within this state unless such aircraft has an appropriate effective certificate, permit or license issued by the United States, if such certificate, permit or license is required by the United States, and a current registration certificate issued by the director, if registration of the aircraft with said commission is required by this chapter. It shall be unlawful for any person to engage in aeronautics

Aeronautics—  
Registration  
of aircraft  
and airmen.

~~Aeronautics—  
Registration  
of aircraft  
and airmen.~~

as an airman in the state unless he has an appropriate effective airman certificate, permit, rating or license issued by the United States authorizing him to engage in the particular class of aeronautics in which he is engaged, if such certificate, permit, rating or license is required by the United States and a current airman's registration certificate issued by the director as required by this 1967 amendatory act.

Where a certificate, permit, rating or license is required for an airman by the United States or by this 1967 amendatory act, it shall be kept in his personal possession when he is operating within the state. Where a certificate, permit or license is required by the United States or by this chapter for an aircraft, it shall be carried in the aircraft at all times while the aircraft is operating in the state and shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors. Such certificates shall be presented for inspection upon the demand of any peace officer, or any other officer of the state or of a municipality or member, official or employee of the aeronautics commission authorized pursuant to this chapter to enforce the aeronautics laws, or any official, manager or person in charge of any airport, or upon the reasonable request of any person.

**NOTE:** See also section 7, chapter 9, Laws of 1967 ex. sess., and section 2, chapter 68, Laws of 1967 ex. sess.

New section.

Sec. 2. There is added to chapter 165, Laws of 1947 and to chapter 14.04 RCW a new section to read as follows:

~~Pilots regis-  
tration—Fee—  
Use of funds—  
Exemptions.~~

The commission 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 for each calendar year by January 31st thereof. The commission shall charge an annual fee

not to exceed five dollars for each such registration. Registration under this 1967 amendatory act shall be required thirty days after the effective date of this 1967 amendatory act. All registration certificates issued pursuant to this 1967 amendatory act shall expire on December 31st of each year.

The registration fee imposed by this section shall be used by the commission 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 a certified written statement, containing the information reasonably required by the commission. The commission 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 and shall subject the offender to the penalties incident thereto.

Aircraft  
search and  
rescue, safety  
and education  
fund.

Sec. 3. 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 under section 2 of this amendatory act shall be deposited in such account.

Passed the House March 1, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 208.

[House Bill No. 11.]

UNIFORM ACT FOR SIMPLIFICATION OF FIDUCIARY  
SECURITY TRANSFERS.AN ACT relating to securities; and amending section 8, chapter  
150, Laws of 1961 and RCW 21.17.080.*Be it enacted by the Legislature of the State of  
Washington:*

Section 1. Section 8, chapter 150, Laws of 1961 and RCW 21.17.080 are each amended to read as follows:

RCW 21.17.080  
amended.

(1) The rights and duties of a corporation and its transfer agents in registering a security in the name of a fiduciary or in making a transfer of a security pursuant to an assignment by a fiduciary are governed by the law of the jurisdiction under whose laws the corporation is organized, or in the case of a security issued by a corporation organized under the laws of the United States of America, by the law of the state in which such corporation has its principal place of business.

Fiduciary  
security trans-  
fers—Territo-  
rial applica-  
tion.

(2) This chapter applies to the rights and duties of a person other than the corporation and its transfer agents with regard to acts and omissions in this state in connection with the acquisition, disposition, assignment or transfer of a security by or to a fiduciary and of a person who guarantees in this state the signature of a fiduciary in connection with such a transaction.

Passed the House January 16, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 209.

[House Bill No. 12.]

REGULATING INVESTMENTS OF TRUST FUNDS BY FIDUCIARIES.

AN ACT relating to and regulating investments of trust funds by fiduciaries; and amending section 30.24.060, chapter 33, Laws of 1955 and RCW 30.24.060.

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

RCW 30.24.060 amended.

Section 1. Section 30.24.060, chapter 33, Laws of 1955 and RCW 30.24.060 are each amended to read as follows:

Trust funds—  
Investment by  
fiduciaries.

In the absence of express provisions to the contrary in the trust instrument, any fiduciary may hold during the life of the trust all securities or other property, real or personal, received into or acquired by the trust from any source, excepting such as are purchased by the fiduciary in administering the trust, even though such securities or other property are not qualified investments under the provisions of this chapter, and even though such securities are securities issued by the corporation which is such fiduciary: *Provided*, That any investment of trust funds made under this chapter or any prior law which was a qualified investment at the time the same was made shall remain a qualified investment.

Passed the House January 16, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 210.

[House Bill No. 151.]

PAYMENT OF WAGES EARNED PRIOR TO DEATH.

AN ACT requiring an employer to pay, to certain persons, wages earned by a deceased employee prior to death; and amending section 2, chapter 139, Laws of 1939 and RCW 49.48.120.

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

Section 1. Section 2, chapter 139, Laws of 1939 and RCW 49.48.120 are each amended to read as follows:

RCW 49.48.120 amended.

If at the time of the death of any person, his employer is indebted to him for work, labor and services performed, and no executor or administrator of his estate has been appointed, such employer shall upon the request of the surviving spouse forthwith pay said indebtedness, in such an amount as may be due not exceeding the sum of one thousand dollars, to the said surviving spouse or if the decedent leaves no surviving spouse, then to the child or children, or if no children, then to the father or mother of said decedent: *Provided, however,* That if by virtue of a community property agreement between the decedent and the surviving spouse, which meets the requirements of RCW 26.16.120, the right to such indebtedness became the sole property of the surviving spouse upon the death of the decedent, the employer shall pay to the surviving spouse the total of such indebtedness or that portion which is governed by the community property agreement upon presentation of said agreement accompanied by affidavit of the surviving spouse stating that such agreement was executed in good faith between the parties thereto and had not been rescinded by the parties prior to the death of the decedent: *Provided further,* That in all cases the employer shall require

Labor relations—Payment of wages earned prior to death.

proof of claimant's relationship to decedent by affidavit, and shall require claimant to acknowledge receipt of such payment in writing. Any payments made by an employer pursuant to the provisions of RCW 49.48.115 and 49.48.120 shall operate as a full and complete discharge of the employer's indebtedness to the extent of said payment, and no employer shall thereafter be liable therefor to the decedent's estate, or the decedent's executor or administrator thereafter appointed.

Passed the House March 7, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 211.

[House Bill No. 27.]

INVESTMENT OF STATE FUNDS.

AN ACT relating to the investment of state funds; and amending section 43.84.080, chapter 8, Laws of 1965 and RCW 43.84.080.

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

RCW 43.84.080 amended.

Section 1. Section 43.84.080, chapter 8, Laws of 1965 and RCW 43.84.080 are each amended to read as follows:

Investment of state funds.

Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state finance committee may invest such portion of such funds or balances as it deems expedient in certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States, or in state, county, municipal, or school district bonds, or in

warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state finance committee may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable. The committee may, in addition, invest such excess funds in motor vehicle fund warrants when authorized by agreement between the committee and the state highway commission requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction.

Passed the House January 20, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 212.

[Engrossed House Bill No. 30.]

### REMITTANCE OF MONEYS TO STATE TREASURY— UNDISTRIBUTED RECEIPTS FUND.

AN ACT relating to the disposition of moneys belonging to the state; and amending section 43.01.050, chapter 8, Laws of 1965 and RCW 43.01.050.

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

Section 1. Section 43.01.050, chapter 8, Laws of 1965 and RCW 43.01.050 are each amended to read as follows:

Each state officer or other person, other than county treasurer, who is authorized by law to collect or receive moneys which are required by statute to be deposited in the state treasury shall transmit to

RCW 43.01.050  
amended.

Remittance of  
moneys to  
state treasury  
—Undistrib-  
uted receipts  
fund.

Remittance of  
moneys to  
state treasury  
—Undistrib-  
uted receipts  
fund.

the state treasurer each day, all such moneys collected by him on the preceding day: *Provided*, That the state treasurer may in his discretion grant exceptions where such daily transfers would not be administratively practical or feasible. In the event that remittances are not accompanied by a statement designating source and fund the state treasurer shall deposit these moneys in the state treasury in a fund hereby created to be known as the "undistributed receipts fund". These moneys shall be retained in said fund until such time as the transmitting agency provides a statement in duplicate of the source from which each item of money was derived and the fund into which it is to be transmitted. The budget director in accordance with RCW 43.88.160 shall promulgate regulations designed to assure orderly and efficient administration of this fund. In the event moneys are deposited in this fund that constitute overpayments, refunds may be made by the remitting agency without virtue of a legislative appropriation.

Passed the House March 7, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 213.

[Engrossed House Bill No. 31.]

OASI CONTRIBUTION FUND.

AN ACT relating to federal social security coverage for state officials and employees; and amending section 6, chapter 184, Laws of 1951 and RCW 41.48.060.

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

Section 1. Section 6, chapter 184, Laws of 1951 and RCW 41.48.060 are each amended to read as follows:

RCW 41.48.060 amended.

(1) There is hereby established a special fund in the state treasury to be known as the OASI contribution fund. All interest earnings presently in this fund shall be transferred by the state treasurer to the state's general fund and all interest earnings accruing to this fund in accordance with RCW 43.85.060 shall be deposited in the state's general fund. Such fund shall consist of and there shall be deposited in such fund: (a) All contributions and penalties collected under RCW 41.48.040 and 41.48.050; (b) all moneys appropriated thereto under this chapter; (c) any property or securities belonging to the fund; and (d) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this chapter, the governor is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this chapter.

State officials and employees social security —OASI contribution fund.

(2) The OASI contribution fund shall be established and held separate and apart from any

State officials  
and employees  
social security  
—OASI con-  
tribution fund.

other funds of the state and shall be used and administered exclusively for the purpose of this chapter. Withdrawals from such fund shall be made for, and solely for (a) payment of amounts required to be paid to the secretary of the treasury pursuant to an agreement entered into under RCW 41.48.030; (b) payment of refunds provided for in RCW 41.48.040(3); and (c) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

(3) From the OASI contribution fund the custodian of the fund shall pay to the secretary of the treasury such amounts and at such time or times as may be directed by the governor in accordance with any agreement entered into under RCW 41.48.030 and the social security act.

(4) The treasurer of the state shall be ex officio treasurer and custodian of the OASI contribution fund and shall administer such fund in accordance with the provisions of this chapter and the directions of the governor and shall pay all warrants drawn upon it in accordance with the provisions of this section and with the regulations as the governor may prescribe pursuant thereto.

Passed the House January 28, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 214.

[House Bill No. 82.]

GRANT OF EASEMENT TO STEVENS COUNTY.

AN ACT relating to state land; and directing an easement be granted to the county of Stevens for public road purposes.

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

Section 1. The governor shall execute, the secretary of state shall attest, and the adjutant general is directed to deliver an easement to the county of Stevens for a right of way for road purposes over the national guard armory site located in the southwest quarter (SW $\frac{1}{4}$ ) of the southwest quarter (SW $\frac{1}{4}$ ) of Section 10, Township 35 North, Range 39 East W.M. and more fully shown on the plat of Extension No. 1, Silke Road No. 2888 on file with the military department, state of Washington.

Stevens  
county armory  
—Easement.

Passed the House January 14, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 215.

[House Bill No. 236.]

CONTROLLED ATMOSPHERE STORAGE OF FRUITS AND VEGETABLES.

AN ACT relating to controlled atmosphere storage of fruits and vegetables; and amending section 6, chapter 29, Laws of 1961 and RCW 15.30.060.

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

RCW 15.30.060 amended.

Section 1. Section 6, chapter 29, Laws of 1961 and RCW 15.30.060 are each amended to read as follows:

Agriculture—  
Controlled  
atmosphere  
storage of  
fruits and  
vegetables—  
Rules and  
regulations.

The director shall adopt rules:

(1) Prescribing the maximum amount of oxygen that may be retained in a sealed controlled atmosphere storage warehouse: *Provided*, That such maximum amount of oxygen retained shall not exceed five percent when apples are stored in such controlled atmosphere storage warehouse.

(2) Prescribing the period in which the oxygen content shall be reduced to the amount prescribed in subsection (1) of this section: *Provided*, That such period shall not exceed twenty days when apples are stored in such controlled atmosphere warehouse.

(3) The length of time and the degrees of temperature at which any fruits or vegetables shall be retained in controlled atmosphere storage, before they may be classified as having been stored in controlled atmosphere storage: *Provided*, That such period shall not be less than ninety days for apples.

Passed the House January 23, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 216.

[Engrossed House Bill No. 258.]

LIABILITY OF LANDOWNER PERMITTING PUBLIC USE  
FOR RECREATIONAL PURPOSES.

AN ACT relating to outdoor recreation; and limiting the liability of owners of land and water areas made available to the public for recreational purposes.

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

Section 1. The purpose of this act is to encourage owners of land to make available land and water areas to the public for recreational purposes by limiting their liability toward persons entering thereon and toward persons who may be injured or otherwise damaged by the acts or omissions of persons entering thereon.

Public recreation—Liability of private landowner to public.

Sec. 2. Any landowner who allows members of the public to use his agricultural or forest land for the purposes of outdoor recreation, which term includes hunting, fishing, camping, picnicking, hiking, pleasure driving, nature study, winter sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, without charging a fee of any kind therefor, shall not be liable for unintentional injuries to such users: *Provided*, That nothing in this section shall prevent the liability of such a landowner for injuries sustained to users by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted: *Provided further*, That nothing in this act limits or expands in any way the doctrine of attractive nuisance.

Tort immunity—Limitation.

Passed the House March 6, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 217.

[House Bill No. 225.]

SOIL AND WATER CONSERVATION DISTRICTS.

AN ACT relating to soil and water conservation districts; amending section 3, chapter 304, Laws of 1955 as amended by section 3, chapter 240, Laws of 1961 and RCW 89.08.030; and amending section 6, chapter 187, Laws of 1939 as last amended by section 11, chapter 240, Laws of 1961 and RCW 89.08.190.

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

RCW 89.08.030 amended.

Section 1. Section 3, chapter 304, Laws of 1955 as amended by section 3, chapter 240, Laws of 1961 and RCW 89.08.030 are each amended to read as follows:

Soil and water conservation districts—Conservation committee.

There is hereby created as an agency of the state, the state soil and water conservation committee.

The committee shall consist of seven members, two of whom are ex officio. Two members shall be appointed by the governor, one of whom shall be a landowner or operator of a farm. The three elected members shall be landowners or operators of a farm and shall be elected as herein provided. The appointed members shall serve for a term of four years.

The three elected members shall be elected for three-year terms, one shall be elected each year by the district supervisors at their annual statewide meeting. One of the members shall reside in eastern Washington, one in central Washington and one in western Washington, the specific boundaries to be determined by district supervisors. At the first such election, the term of the member from western Washington shall be one year, central Washington two years and eastern Washington three years, and successors shall be elected for three years.

Unexpired term vacancies in the office of appointed committee members shall be filled by ap-

pointment by the governor in the same manner as full-term appointments. Unexpired terms of elected committee members shall be filled by the regional vice president of the Washington association of soil and water conservation districts who is serving that part of the state where the vacancy occurs, such term to continue only until district supervisors can fill the unexpired term by electing the committee member.

The director of the department of conservation and the dean of the college of agriculture at Washington State University shall be ex officio members of the committee. An ex officio member of the committee shall hold office so long as he retains the office by virtue of which he is a member of the committee.

Sec. 2. Section 6, chapter 187, Laws of 1939 as last amended by section 11, chapter 240, Laws of 1961 and RCW 89.08.190 are each amended to read as follows:

RCW 89.08.190 amended.

Within thirty days after the issuance of the certificate of organization, unless the time is extended by the committee, petitions shall be filed with the committee to nominate candidates for the three elected supervisors. The petition shall be signed by not less than five district voters, and a voter may sign petitions nominating more than one person.

Soil and water conservation districts—Nomination and election of supervisors.

In the case of a new district, the committee shall give due notice to elect the three supervisors. All provisions pertaining to elections on the creation of a district shall govern this election so far as applicable. The names of all nominees shall appear on the ballot in alphabetical order, together with instructions to vote for three. The three candidates receiving the most votes shall be declared elected supervisors, the one receiving the most being elected for a three-year term, the next for two and the last for one year. An alternate method of dividing the dis-

Soil and water  
conservation  
districts—  
Nomination  
and election of  
supervisors.

trict into three zones may be used when requested by the board of supervisors and approved by the committee. In such case, instructions will be to vote for one in each zone. The candidate receiving the most votes in a zone shall be declared elected.

Each year after the creation of the first board of supervisors, the board shall by resolution and by giving due notice, set a date during the first quarter of each calendar year for an annual meeting of the voters in the district, at which time it shall conduct an election, present an annual report and a financial statement. Names of candidates nominated by petition shall appear in alphabetical order on the ballots, together with an extra line wherein may be written in the name of any other candidate. The committee shall establish procedures for elections, canvass the returns and announce the official results thereof. Election results may be announced by polling officials during the annual meeting, subject to official canvass of ballots by the committee. Supervisors elected shall take office at the first board meeting which shall be held within thirty days following the election.

Passed the House January 24, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 218.

[House Bill No. 859.]

COUNTIES—FINANCE—GARBAGE DISPOSAL SITES—  
COMPENSATION OF COUNTY OFFICERS.

AN ACT authorizing the rental and use of certain county road building equipment and authorizing the use of a portion of the county road tax levy for certain purposes; and adding new sections to chapter 4, Laws of 1963 and to chapter 36.82 RCW and amending section 36.17.020, chapter 4, Laws of 1963, as amended by section 1, chapter 164, Laws of 1963, and RCW 36.17.020; and amending section 36.32.320, chapter 4, Laws of 1963 and RCW 36.32.320.

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

Section 1. There is added to chapter 4, Laws of 1963 and to chapter 36.82 RCW a new section to read as follows:

New section.

The boards of county commissioners of the several counties of the state of Washington are hereby authorized to expend up to one percent of the county road fund tax levy, and to rent county road equipment from the county road equipment rental and revolving fund for the maintenance and operation of garbage disposal sites within the county: *Provided*, That the provisions of this section shall not apply to class A or class AA counties.

Counties. Garbage disposal sites—Use of county road fund tax levy.

Sec. 2. There is added to chapter 4, Laws of 1963 and to chapter 36.82 RCW a new section to read as follows:

New section.

The use of county road fund tax levy and the rental of county road equipment for the maintenance and operation of garbage disposal sites is hereby declared to be a county road purpose.

Declared county road purpose.

Sec. 3. Section 36.17.020, chapter 4, Laws of 1963, as amended by section 1, chapter 164, Laws of 1963, and RCW 36.17.020 are each amended to read as follows:

RCW 36.17.020 amended.

Counties—  
Compensation  
of county  
officers.

The salaries of county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:

Class A counties: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, coroner, eleven thousand five hundred dollars; prosecuting attorney, thirteen thousand five hundred dollars;

Counties of the first class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, ten thousand four hundred dollars; prosecuting attorney, twelve thousand three hundred dollars; coroner, five thousand two hundred dollars;

Counties of the second class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, eight thousand eight hundred dollars; prosecuting attorney, nine thousand three hundred dollars; coroner, three thousand dollars;

Counties of the third class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, members of board of county commissioners, prosecuting attorney, seven thousand nine hundred dollars; coroner, two thousand dollars;

Counties of the fourth class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, seven thousand dollars; members of the board of county commissioners and prosecuting attorney, six thousand four hundred dollars;

Counties of the fifth class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, six thousand four hundred dollars; members

of the board of county commissioners and prosecuting attorney, five thousand five hundred dollars;

Counties of the sixth class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, five thousand eight hundred dollars; prosecuting attorney, three thousand five hundred dollars; members of the board of county commissioners, one thousand nine hundred dollars;

Counties of the seventh class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, five thousand seven hundred dollars; prosecuting attorney, three thousand five hundred dollars; members of the board of county commissioners, one thousand nine hundred dollars;

Counties of the eighth class: Auditor, treasurer, assessor, sheriff, five thousand dollars; clerk, three thousand five hundred dollars; superintendent of schools, three thousand three hundred dollars; prosecuting attorney, three thousand dollars; members of board of county commissioners, one thousand five hundred dollars;

Counties of the ninth class: Auditor-clerk, sheriff, treasurer-assessor, four thousand seven hundred dollars; superintendent of schools, two thousand eight hundred dollars; prosecuting attorney, two thousand two hundred dollars; members of the board of county commissioners, fifteen dollars per diem.

The salaries of county officers in counties with a population over five hundred thousand shall be per annum respectively as follows: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, coroners, fifteen thousand dollars; prosecuting attorney, sixteen thousand nine hundred dollars.

In addition to the compensation provided for herein, county commissioners of counties of the sixth, seventh, eighth and ninth class shall be enti-

Counties.

tled to additional compensation for the performance of additional duties not a part of their regular duties as provided in RCW 36.32.320, as now or hereafter amended.

**NOTE:** See also section 2, chapter 77, Laws of 1967 ex. sess.

RCW 36.32.320 amended.

Sec. 4. Section 36.32.320, chapter 4, Laws of 1963 and RCW 36.32.320 are each amended to read as follows:

Compensation of commissioners acting as road commissioners.

Each member of the board of county commissioners, in counties of the sixth, seventh, eighth and ninth classes, in addition to his duties as a member of the board of county commissioners and as ex officio road commissioner of the several road districts in his commissioner's district, shall oversee the construction and maintenance of all county and district roads and bridges in his commissioner district, and for time spent in the performance of such duties as overseer, he shall be entitled to compensation at the rate of one hundred fifty dollars per month: *Provided*, That as such compensation for overseeing the construction and maintenance of roads and bridges in his commissioner district he shall not receive more than one thousand eight hundred dollars per year. All claims for such compensation must be approved by a majority of the board of county commissioners and the superior court as in other cases of extra compensation.

Passed the House March 8, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 219.

[Engrossed House Bill No. 769.]

LAND EXCHANGE—DEPARTMENT OF NATURAL  
RESOURCES AND CLARK COUNTY.

AN ACT relating to intergovernmental disposition of certain public lands; authorizing the exchange of certain properties in Clark county; preserving leases; and adding new sections to chapter 133, Laws of 1953 and to chapter 39.33 RCW.

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

Section 1. There is added to chapter 133, Laws of 1953 and to chapter 39.33 RCW a new section to read as follows:

New section.

Notwithstanding the proviso in RCW 39.33.010, as now or hereafter amended, the board of county commissioners of Clark county and the department of natural resources are authorized to exchange with each other their interests in certain parcels of property of approximately equal dollar value as determined by competent appraisers, to wit:

Intergovernmental disposition of certain properties in Clark county.  
Authority.

(1) State forest lands held in trust for Clark county, more particularly described as follows: Section 1, T3E, R3N, W.M. and the N $\frac{1}{2}$  section 12, T3E, R3N, W.M.; or section 31, T4E, R4N, W.M. and sections 25, 33, 34 and 35, T4N, R4E, W.M. and portions thereof.

(2) State school lands administered by the department of natural resources, more particularly described as follows: The NW $\frac{1}{4}$  SE $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$ , and NW $\frac{1}{4}$  NW $\frac{1}{4}$ , section 16, T3N, R1E, W.M. excepting therefrom the east 120 feet of the west 670 feet of the south 420 feet of the north 440 feet of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  section 16, having an area of 238.87 acres, more or less.

Subject, however to an easement right of way for telephone lines granted to Pacific Telephone and

Intergovernmental disposition of certain properties in Clark county.  
Authority.

Telegraph Co. September 24, 1929 under application No. 13,693.

Subject, however to easements for county roads granted Clark county October 13, 1920, April 11, 1935, December 23, 1946, and August 22, 1961, under application Nos. 735, 1518, 1821, and 2538 respectively, and subject to outstanding leases.

New section.

Sec. 2. There is added to chapter 133, Laws of 1953 and to chapter 39.33 RCW a new section to read as follows:

Transfer directed.

The department of natural resources is directed to deed all or any portion of the state-owned land described in section 1, subsection (2), to Clark county upon request from the Clark county board of county commissioners after such land is exchanged for state forest land described in section 1, subsection (1). All existing leases on those portions of the lands described in section 1, subsection (2) acquired by Clark county through the authorization provided in this bill shall be owned by Clark county subject to the same rights and obligations of renegotiation as are now held by the department of natural resources.

Passed the House March 2, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 220.

[Engrossed House Bill No. 463.]

SCHOOL DISTRICTS OF SECOND OR THIRD CLASS MAY  
EMPLOY ATTORNEY.

AN ACT relating to second and third class school districts; and adding a new section to chapter 97, Laws of 1909 and to chapter 28.63 RCW.

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

Section 1. There is added to chapter 97, Laws of 1909 and to chapter 28.63 RCW a new section to read as follows: New section.

The board of directors of every second and third class district in addition to their other powers are authorized to employ an attorney and to prescribe his duties and fix his compensation. School district's attorney.

Passed the House February 22, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 221.

[Engrossed Substitute House Bill No. 170.]

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT—OFFICE OF FOREIGN TRADE.

AN ACT relating to state government; providing a new division in the department of commerce and economic development; amending section 43.31.040, chapter 8, Laws of 1965 as amended by section 2, chapter 10, Laws of 1965, and RCW 43.31.040; and adding new sections to chapter 43.31 RCW.

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

New section.

Section 1. There is added to chapter 43.31 RCW a new section to read as follows:

Department of commerce and economic development. Development of foreign trade. Legislative intent.

It is the intent of the legislature that the state through the department of commerce and economic development shall:

- (1) Promote, encourage, and cooperate in the development of foreign trade by the state of Washington;
- (2) Advise, inform, and assist citizens of the state regarding foreign market potentials and operational procedures of foreign trade;
- (3) Stimulate the business and professional community of the state to actively engage in the promotion and development of foreign trade;
- (4) Foster closer ties between the state and foreign countries to the end that social, cultural, and economic barriers to trade may be reduced to a minimum.

RCW 43.31.040 amended.

Sec. 2. Section 43.31.040, chapter 8, Laws of 1965 as amended by section 2, chapter 10, Laws of 1965, and RCW 43.31.040 are each amended to read as follows:

Divisions of department.

The department of commerce and economic development shall be organized into divisions, including (1) the industrial development division, (2) the

tourist promotion division, (3) the research division, (4) the nuclear energy development division, to be known as the "office of nuclear energy development," (5) the foreign trade division, to be known as the "office of foreign trade," and others as required.

The director of commerce and economic development may appoint such division supervisors, managers, or executive directors, and clerical supervisors and other assistants as may be necessary for the general administration of the department.

Sec. 3. There is added to chapter 43.31 RCW a new section to read as follows:

The department of commerce and economic development shall through the office of foreign trade, in furtherance of its stated objectives of continuing and accelerating the growth of the economy and enhancing the economic well-being of its citizens and its commerce, encourage, promote, and cooperate in the development of existing and potential sources of foreign trade. Pursuant to chapter 41.06 RCW, the state civil service law, the director shall appoint personnel with such qualifications as are necessary to carry out the purposes of this 1967 amendatory act. The person appointed as supervisor or manager of the office of foreign trade shall be known as the executive director of the office of foreign trade.

New section.

Promotion of foreign trade by office of foreign trade.

Sec. 4. There is added to chapter 43.31 RCW a new section to read as follows:

The department of commerce and economic development through the office of foreign trade is hereby designated the agency of state government for the promotion and development of foreign trade and shall, in addition to the powers and duties otherwise imposed by law, have the following powers and duties:

Powers and duties of office of foreign trade.

Powers and duties of office of foreign trade.

(1) To study the potential marketability of various agricultural, natural resource, and manufacturing commodities of this state in foreign trade;

(2) To collect, prepare, and analyze foreign and domestic market data;

(3) To maintain close contact with foreign firms and governmental agencies and to act as an effective intermediary between foreign nations and Washington traders;

(4) To publish and disseminate to interested citizens and others information which will aid in carrying out the purposes of this 1967 amendatory act;

(5) To encourage and promote the movement of foreign and domestic goods through the ports of Washington;

(6) To conduct an active program by sending representatives to, or engaging representatives in, foreign countries to promote the state as a foreign trade center;

(7) To assist and to make Washington agricultural, natural resource, and manufacturing concerns more aware of the potentials of foreign trade and to encourage production of those commodities which will have high export potentials and appeal;

(8) To administer state participation in state or international trade fairs;

(9) To coordinate the trade promotional activities of federal, state, and local public agencies, as well as civic organizations.

Severability.

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 act to other persons or circumstances is not affected.

Passed the House March 2, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 222.

[House Bill No. 612.]

GENERAL RULES FOR GOVERNMENTAL RECEIPT BY  
MAIL OF DOCUMENTS AND PAYMENTS.

AN ACT relating to government and certain reports, claims, tax returns, remittances, statements and other documents required by the state and local subdivisions thereof.

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

Section 1. Except as otherwise specifically provided by law hereafter:

(1) Any report, claim, tax return, statement or other document required or *authorized* to be filed with, or any payment made to the state or to any political subdivision thereof, which is (a) transmitted through the United States mail, shall be deemed filed and received by the state or political subdivision on the date shown by the post office cancellation mark stamped upon the envelope or other appropriate wrapper containing it; or (b) mailed but not received by the state or political subdivision, or where received and the cancellation mark is illegible, erroneous, or omitted, shall be deemed filed and received on the date it was mailed if the sender establishes by competent evidence that the report, claim, tax return, statement, remittance, or other document was deposited in the United States mail on or before the date due for filing; and in cases of such nonreceipt of a report, tax return, statement, remittance, or other document required by law to be filed, the sender files with the state or political subdivision a duplicate within ten days after written notification is given to the sender by the state or political subdivision of its nonreceipt of such report, tax return, statement, remittance, or other document.

(2) If any report, claim, tax return, statement, remittance, or other document is sent by United

Mail of documents or payments to state or local governments.

Mail of documents or payments to state or local governments.

States registered mail, certified mail or certificate of mailing, a record authenticated by the United States post office of such registration, certification or certificate shall be considered competent evidence that the report, claim, tax return, statement, remittance or other document was delivered to the addressee, and the date of registration, certification or certificate shall be deemed the postmarked date.

(3) If the date for filing any report, claim, tax return, statement, remittance, or other document falls upon a Saturday, Sunday or legal holiday, the filing shall be considered timely if performed on the next business day.

Passed the House February 22, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967, with the exception of an item in Section 1 which was vetoed.

**NOTE: Governor's explanation of partial veto is as follows:**

"This bill provides that whenever reports, claims, tax returns, remittances, statements and other documents required or AUTHORIZED to be filed with the state or any payments made to the state, or to any political subdivision thereof, are transmitted through the United States mails, they shall be deemed filed and received by the state or political subdivision on the date shown on the postmark.

"I do not object to the general purpose of this legislation, which is to prevent penalties from accruing to taxpayers and others required to file tax returns and government reports where the sender has relied upon the mails and delay has occurred in delivery through no fault of the sender.

"However, as drafted, this bill could apply to documents such as conveyances or security interests which are not REQUIRED to be filed, but which may be filed with state or local agencies in order to give notice to third persons.

"The bill contemplates that when a document is not received, the government agency will notify the sender, who is given ten days to mail a duplicate without incurring a penalty. It seems obvious that such a statutory scheme was intended by the legislature to apply to a limited class of document which the government agency would expect to receive periodically, so that it would give notice of its non-receipt to the sender in the normal course of the agency's business.

"Since this type of statute cannot apply to documents the government agency cannot anticipate such as documents permitted, but not required, to be filed, I have vetoed the words, "or authorized", on page one, line eight of the bill.

"The remainder of House Bill No. 612 is approved."

**DANIEL J. EVANS,**  
Governor.

## CHAPTER 223.

[Engrossed Substitute House Bill No. 322.]

## BARBERING.

AN ACT relating to barbers; amending section 1, chapter 75, Laws of 1923 as last amended by section 1, chapter 52, Laws of 1957 and RCW 18.15.010; amending section 2, chapter 75, Laws of 1923 as last amended by section 1, chapter 16, Laws of 1951 and RCW 18.15.020; amending section 3, chapter 75, Laws of 1923 as last amended by section 1, chapter 101, Laws of 1957 and RCW 18.15.040; amending section 6, chapter 75, Laws of 1923 as last amended by section 4, chapter 84, Laws of 1959 and RCW 18.15.050; amending section 8, chapter 101, Laws of 1957 and RCW 18.15.052; amending section 9, chapter 101, Laws of 1957 and RCW 18.15.053; amending section 11, chapter 101, Laws of 1957 and RCW 18.15.055; amending section 12, chapter 101, Laws of 1957 and RCW 18.15.056; amending section 7, chapter 75, Laws of 1923 as last amended by section 14, chapter 101, Laws of 1957 and RCW 18.15.060; amending section 3, chapter 84, Laws of 1959 and RCW 18.15.065; amending section 12, chapter 75, Laws of 1923, as amended by section 9, chapter 211, Laws of 1927 and RCW 18.15.070; amending section 14, chapter 75, Laws of 1923 as last amended by section 1, chapter 102, Laws of 1947 and RCW 18.15.090; amending section 2, chapter 84, Laws of 1959 and RCW 18.15.095; amending section 8, chapter 172, Laws of 1901 as last amended by section 5, chapter 84, Laws of 1959 and RCW 18.15.100; amending section 7, chapter 209, Laws of 1929 as last amended by section 6, chapter 84, Laws of 1959 and RCW 18.15.110; amending section 15, chapter 75, Laws of 1923 and RCW 18.15.120; amending section 13, chapter 101, Laws of 1957 as amended by section 7, chapter 84, Laws of 1959 and RCW 18.15.125; amending section 4, chapter 101, Laws of 1957 and RCW 18.15.130; amending section 5, chapter 101, Laws of 1957 and RCW 18.15.140; amending section 6, chapter 101, Laws of 1957 and RCW 18.15.150; amending section 17, chapter 75, Laws of 1923 as last amended by section 8, chapter 209, Laws of 1929 and RCW 18.15.160; adding a new section to chapter 18.15 RCW; and providing penalties.

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

*Section 1. Section 1, chapter 75, Laws of 1923 as last amended by section 1, chapter 52, Laws of 1957*

RCW 18.15.010  
amended.

and RCW 18.15.010 are each amended to read as follows:

Barbering.  
Definitions—  
Exceptions.

*Any one or any combination of the following practices (when done upon the upper part of the human 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, for the public generally upon male or female) constitutes the practice of barbering: (1) Shaving or trimming the beard or cutting the hair; (2) giving facial and scalp massage or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical appliances; (3) singeing, shampooing or dyeing the hair or applying tonics; (4) applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck or upper part of the body: Provided, That the provisions of this chapter shall not apply to any person employed in, or engaged in the operation of any beauty shop or hair dressing establishment.*

NOTE: The above section was amended by the Legislature but such action was nullified by the Governor's veto of this section. See page 1091 for Governor's explanation.

RCW 18.15.020  
amended.

Sec. 2. Section 2, chapter 75, Laws of 1923 as last amended by section 1, chapter 16, Laws of 1951 and RCW 18.15.020 are each amended to read as follows:

License  
required—  
Exceptions.

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: (1) 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. 3. Section 3, chapter 75, Laws of 1923 as last amended by section 1, chapter 101, Laws of 1957 and RCW 18.15.040 are each amended to read as follows:

RCW 18.15.040  
amended.

Any person of good moral character, free from contagious or infectious disease, at least eighteen years of age, having a diploma showing graduation from an eighth grade grammar school or capable of proving an equivalent education, and holding a license authorizing him to practice barbering in any one of the other states of the United States, the District of Columbia or any territory of the United States or any foreign country (if such person is lawfully entitled to reside in the United States) and

Out-of-state  
licensees—  
Qualifications  
—Fee—  
Examination.

Out-of-state  
 licensees—  
 Qualifications  
 —Fee—  
 Examination.

submits with his application a certificate of graduation from a barber school or college with requirements equal to the requirements of approved barber schools of this state, or provides an affidavit from the barber board of the state in which he is licensed, that applicant has graduated from said barber school or college of that state, shall be deemed qualified to make application for a license to practice barbering in this state.

Any applicant who is licensed in a foreign country shall furnish the board with an authenticated English translation of his license, applicable licensing law, and other supporting documents. Every applicant for such license, qualified under either of the foregoing provisions, shall file his application in the manner provided by law, on forms prescribed by the director of licenses. Each such 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 and a photostatic copy of his license authorizing him to practice barbering as hereinbefore provided, and a certificate of graduation or affidavit from barber board as aforementioned. Every applicant for such license shall pay a fee of thirty-five dollars, which fee shall accompany his application. The director of licenses 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 license to practice barbering in this state.

RCW 18.15.050  
 amended.

Sec. 4. Section 6, chapter 75, Laws of 1923 as last amended by section 4, chapter 84, Laws of 1959 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 licenses 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.

Barbers—  
Examinations  
—Time and  
place—Scope  
—License or  
permit—  
Service under  
licensed barber—  
Reexamination.

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 of licenses 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

Barbers—  
Examinations  
—Time and  
place—Scope  
—License or  
permit—  
Service under  
licensed bar-  
ber—Reex-  
amination.

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 possess 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 of licenses 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 of thirty-five dollars, 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 of fifteen dollars, 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 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 of fifteen dollars, which fee shall accompany his new application.

Sec. 5. Section 8, chapter 101, Laws of 1957 and RCW 18.15.052 are each amended to read as follows: RCW 18.15.052 amended.

Any person appointed to the examining committee shall: (1) Hold a valid barber's license of this state; (2) have been a resident of this state for at least three years immediately preceding his appointment; (3) have been engaged in the actual practice of barbering for at least five years immediately preceding his appointment; (4) not be connected directly or indirectly with the manufacture, renting, or selling of barber appliances and supplies; and (5) not have been connected directly or indirectly with any barber school or barber college for one year immediately preceding his appointment.

Qualifications of members of examining committee.

Sec. 6. Section 9, chapter 101, Laws of 1957 and RCW 18.15.053 are each amended to read as follows: RCW 18.15.053 amended.

The committee shall meet to hold examinations and to conduct such business necessary to carry out the provisions of this law. Special meetings may be called upon notice from the secretary. A majority of the committee shall constitute a quorum.

Barbering committee—  
Meetings—  
Quorum.

RCW 18.15.055 amended.

*Sec. 7. Section 11, chapter 101, Laws of 1957 and RCW 18.15.055 are each amended to read as follows:*

Barbering committee—  
Salary, expenses and per diem.

*The secretary shall have a full time position with a salary to conform with standards set by the department of licenses for similar positions.*

*Each member of the examining committee shall receive as compensation twenty dollars for each day's attendance at meetings of the committee. Members including the secretary shall be reimbursed for necessary traveling expenses incurred in the actual performance of their duties.*

**NOTE:** The above section was amended by the Legislature but such action was nullified by the Governor's veto of this section. See page 1091 for Governor's explanation.

RCW 18.15.056 amended.

*Sec. 8. Section 12, chapter 101, Laws of 1957 and RCW 18.15.056 are each amended to read as follows:*

Barbering committee—  
Rules and regulations.

*The examining committee shall promulgate such rules and regulations as it deems necessary not inconsistent with this chapter, subject to the director's approval, and it shall perform all acts necessary to effectuate the purposes of this chapter.*

RCW 18.15.060 amended

*Sec. 9. Section 7, chapter 75, Laws of 1923 as last amended by section 14, chapter 101, Laws of 1957 and RCW 18.15.060 are each amended to read as follows:*

Annual license renewal.

*Every person licensed as a barber shall pay an annual license fee of nine dollars for a license renewal certificate on or before the thirtieth day of June each year. Failure to pay the annual license renewal fees before delinquency shall work a forfeiture of the license, but the license may be renewed within three years thereafter without examination upon application therefor by the licentiate, and payment of a fee of fifteen dollars plus all lapsed fees. Should the licentiate allow his license to elapse for more than three years, he must be reexamined as for a new license.*

Sec. 10. Section 3, chapter 84, Laws of 1959 and RCW 18.15.065 are each amended to read as follows: RCW 18.15.065 amended.

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 licenses. Each application for a license shall be accompanied by a fee of four dollars. Barber shop location licenses—Fees, renewals, etc.

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 of four dollars, 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, an inspection fee of twenty-five dollars will be made, prior to issuance of a license.

All licenses issued under this section 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 of four dollars. 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 of twenty-five dollars, upon satisfactory inspection.

Sec. 11. Section 12, chapter 75, Laws of 1923, as amended by section 9, chapter 211, Laws of 1927 and RCW 18.15.070 are each amended to read as follows: RCW 18.15.070 amended.

Barbers—  
Register of  
licenses.

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.

RCW 18.15.090  
amended.

Sec. 12. Section 14, chapter 75, Laws of 1923 as last amended by section 1, chapter 102, Laws of 1947 and RCW 18.15.090 are each amended to read as follows:

Barbers—Bar-  
ber colleges.

Any firm, corporation or person desiring to conduct or operate a barber school or barber college in this state shall first secure from the director of licenses a permit to do so, and shall keep the same prominently displayed. No barber school or college shall be issued a permit by the director of licenses unless such school or college is financially responsible, and will be able in the judgment of the director of licenses to carry out and perform any contract made for the instruction of students therein. Such school or college shall instruct students therein in the practice of barbering, including shaving and cutting of the hair and beard, and the various services incident thereto, preparation and care of tools used, sanitation as applied to barbering, knowledge concerning the common diseases of the face and skin to avoid aggravation and spreading thereof in the practice of barbering, and the use of chemicals, creams, lotions, and solutions as applied in the practice of barbering. Such barber school or college shall be managed and operated by a barber duly licensed as a manager-instructor under the provisions of this chapter, and shall at all times, while open and in operation, be in charge and under the direct supervision of a barber duly licensed as an instructor under the provisions of this chapter, which said instructor shall devote his entire time to the instruction of students therein and who shall at no time

operate any particular barber's chair in such school or college, or practice any barbering therein except while giving instructions to a student therein. Every such school or college shall at all times maintain on each window therein, facing upon any street, a sign in plain letters at least six inches high composed of the words "barber school" or "barber college," placed as nearly as practicable in the center between top and bottom of any such window, and, if desired by the manager-instructor of such school or college, underneath these words, a sign with letters no greater in size, composed of the words "shaving" and/or "hair cutting," giving the price charged; and such school or college shall not at any time keep or maintain upon any of the windows or doors of such school or college any sign or words "barber shop," "expert barbering," or other similar words, or display any barber pole or barber pole stripes such as has long been used to designate a barber shop, or barber shop services as distinguished from services performed by student barbers in such school or college. Every such school or college, at all times when open for business, shall place and maintain upon the floor within its premises in front of each entrance a standing floor sign composed of the words "student barbers perform all services herein" painted in three-inch red letters upon a white standing floor sign thirty inches high and twenty inches wide, and designed as prescribed by the director of licenses. The director of licenses shall revoke the license of any school or college which shall violate any of the provisions of this chapter, or which shall fail to impart to each student in such school or college the instructions herein required.

No barber school or college shall be operated unless it is under the control of a barber licensed as a manager-instructor. Each applicant for a manager-instructor's license shall submit an applica-

Barbers—Barber colleges.

tion to the director on such forms as it may prescribe. The qualifications for such a license, examinations, license fees and license renewal fees shall be the same as those prescribed for an instructor's license. The name and designation of the licensee as manager-instructor shall appear on each school or college location license issued by the director. A manager-instructor's license shall stand revoked if not used for a period of two years, after which time licentiate must be reexamined as for a new license.

New section.

Sec. 13. There is added to chapter 18.15 RCW a new section to read as follows:

Barber colleges—Instructors—License required—Application—Qualification—Examination—Renewal—Fees.

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 it 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) 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) each applicant must take an examination administered by the examining committee. The examination shall cover such subjects as are usually taught in barber schools and colleges in practical and theory work; (8) 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 twenty-five dollars. Each license shall be renewed on or before July 1st; the renewal fee shall be twenty-five dollars. If application for a renewal is not received on or before July 1st, the renewal fee shall be twenty-five dollars plus a penalty of twenty-five dollars. 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. 14. Section 2, chapter 84, Laws of 1959 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 of licenses. Each application for a school location license shall be accompanied by a fee of one hundred fifty dollars.

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: *Provided*, 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.

RCW 18.15.095  
amended.

Barbers—Bar-  
ber college  
location li-  
censes—Fees,  
renewals, etc.

Barbers—Barber college location licenses—Fees, renewals, etc.

All licenses issued under this section 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 of one hundred fifty dollars. 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 of one hundred dollars.

RCW 18.15.100 amended.

Sec. 15. Section 8, chapter 172, Laws of 1901 as last amended by section 5, chapter 84, Laws of 1959 and RCW 18.15.100 are each amended to read as follows:

Student barbers—Student certificate—Fee—Application for barber's permit.

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 of licenses. 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 of five dollars, which fee shall accompany his application. The director of licenses 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 of five dollars: *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 of licenses. Each applicant shall pay a fee of twenty-five dollars, which fee shall accompany his application. The director of licenses 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. 16. Section 7, chapter 209, Laws of 1929 as last amended by section 6, chapter 84, Laws of 1959, and RCW 18.15.110 are each amended to read as follows:

RCW 18.15.110  
amended.

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

Barbers—  
Student bar-  
bers—Course  
of instruction  
—Certificate.

Barbers—Student barbers—  
Course of instruction—  
Certificate.

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, as set forth with particularity in the latest revised edition of either of the following textbooks: (a) "Standardized Textbook of Barbering", published by the Associated Master Barbers of America, Chicago, Illinois, or (b) "Textbook of Practical and Scientific Barbering", published by the Journeyman Barbers, Educational Department, Indianapolis, Indiana; (2) histology of the hair, skin and scalp; (3) structure of the head, face and neck; (4) coloring and bleaching the hair; and (5) use of chemicals, creams, lotions and solutions as applied in the practice of barbering. 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.

RCW 18.15.120  
amended.

Sec. 17. Section 15, chapter 75, Laws of 1923 and RCW 18.15.120 are each amended to read as follows:

Rules and regulations—  
Inspection—  
Penalty.

The examining committee shall have the power to adopt reasonable rules and regulations prescribing sanitary requirements of barber shops, and barber schools and colleges, subject to approval of the director, and it shall be the duty of every person operating any barber shop or college to keep said rules and regulations conspicuously posted therein. The director of licenses or his authorized representative shall have the power to enter and make reasonable examination and inspection of any barber

shop, barber school or college during the business hours for the purpose of ascertaining the sanitary condition thereof. Any barber shop, barber school or college in which tools, appliances or furnishings in use therein are not kept in a clean and sanitary condition, so as to endanger health is hereby declared to be a public nuisance and the proprietor or operator of such barber shop, barber school or college shall be guilty of a misdemeanor, and punished as in this chapter provided.

Sec. 18. Section 13, chapter 101, Laws of 1957 as amended by section 7, chapter 84, Laws of 1959 and RCW 18.15.125 are each amended to read as follows:

RCW 18.15.125  
amended.

The examining committee shall arrange with the director for the employment of one or more inspectors who shall have the same qualifications as a committee member. The secretary of the committee shall have the right to inspect any barber shop or barber school. Any member, agent, or assistant of the committee, when authorized by the committee, may enter any such shop or school during business hours for the purpose of inspection. Every new barber shop, school or college shall be inspected before being opened for business. If no inspection is made by the committee within fifteen days after receipt by the director of an application for a location license, and all other qualifications for said licenses are met, the director may issue such license and the new shop, school or college may open for business and remain open unless, upon inspection, the shop, school or college fails to meet the standards set forth in this chapter or in the rules and regulations of the committee. The fee of such original inspection shall be twenty-five dollars, said fee to accompany application.

Inspections by  
examining  
committee—  
Fee.

Sec. 19. Section 4, chapter 101, Laws of 1957 and RCW 18.15.130 are each amended to read as follows:

RCW 18.15.130  
amended.

Barbers—  
Revocation of  
licenses—  
Grounds.

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 act.

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 act.

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.

RCW 18.15.140  
amended.

Sec. 20. Section 5, chapter 101, Laws of 1957 and RCW 18.15.140 are each amended to read as follows:

Barbers—  
Revocation of  
license—  
Notice—  
Hearing.

A hearing board is hereby established for the purpose of hearing all charges of violations of any of the provisions of this chapter. The hearing board shall consist of three members to be appointed by the governor in the following manner: Two mem-

bers, who meet the same requirements as members of the board of examiners, and one member unaffiliated with the barber profession. The first terms shall be: One for six years, one for four years, and one for two years; thereafter, the terms shall be for six years and until a successor is appointed and qualified. The governor shall fill any vacancy within ninety days after it occurs by an appointment for the remainder of the unexpired term.

The hearing board shall select one of its members as its chairman and meetings shall be held as often as shall be deemed necessary to perform its duties. All members shall be present before business may be transacted.

Each member of the board shall receive as compensation for this attendance at hearings or other proper meetings twenty-five dollars for each day or part day in attendance, and shall be reimbursed for necessary travel expenses incurred in the performance of duties.

The director of licenses shall exercise direct supervision over the hearing board, and the board shall file a report to the director immediately after each session, outlining the action taken by said board.

Before any license is revoked, or suspended, or any fines levied, the licentiate must be given notice in writing of the charge or charges against him. At a day specified in said notice, at least twenty days after the service thereof, he must be afforded a fair hearing by the hearing board, and given full opportunity to produce testimony in his behalf and to confront the witnesses against him. Such charges shall be verified with the oath of the person making same, and a copy thereof shall be served in the manner provided by law for service of summons in civil actions.

Barbers—  
Revocation of  
license—  
Notice—  
Hearing.

The hearing shall be conducted by the hearing board at a date, time, and place as designated by the director. The hearing board shall be the sole judge of the charge or charges and the evidence produced, and the decision of any two members of the board shall be the decision of the board. If the charges are sustained in the judgment of the board, it may direct the revocation or suspension of such license, or a fine, or both as provided by this law.

The director of licenses is hereby granted the right of subpoena to require the attendance of witnesses and the production of pertinent records; such witnesses shall be entitled to fees and mileage as provided by law.

Any person feeling himself aggrieved by the fine, revocation, or suspension under this chapter, shall have the right to appeal from the decision of the hearing board to the superior court of the county in which he maintains his place of business.

RCW 18.15.150  
amended.

Sec. 21. Section 6, chapter 101, Laws of 1957 and RCW 18.15.150 are each amended to read as follows:

Reinstatement.

Any person whose license has been so revoked may, after the expiration of ninety days, on application, and payment of fees, have the same reissued to him upon a satisfactory showing.

RCW 18.15.160  
amended.

Sec. 22. Section 17, chapter 75, Laws of 1923 as last amended by section 8, chapter 209, Laws of 1929 and RCW 18.15.160 are each amended to read as follows:

Violations—  
Penalties.

Violation of the provisions of this chapter or of any rule or regulation made by the director of licenses or examining committee pursuant thereto, shall constitute a misdemeanor, and upon being found guilty thereof shall be punished by a fine of not less than ten dollars nor more than two hundred and fifty dollars, or by imprisonment in the county

jail not less than ten days nor more than ninety days, or by both such fine and imprisonment.

Passed the House March 9, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967, with the exception of Section 1 and Section 7 which were vetoed.

**NOTE: Governor's explanation of partial veto is as follows:**

"This bill makes a number of improvements in the laws regulating the practice of barbering.

"Under existing law, no license is required where one person performs barbering services for family members or friends without compensation. As originally introduced, this bill would have limited this exemption to barbering services performed on members of the family. The legislature properly added by amendment barbering services performed for neighbors and friends, so that there would be no change in existing law. However, because of language deleted in the original bill Section 1 of the bill would exempt from licensing a person performing barbering services upon friends, neighbors or members of his immediate household even though he might be receiving compensation for the services, so long as they were performed within the household. We do not believe the legislature intended to broaden the exemption to include services performed for compensation. In order to prevent this result, I have vetoed all of Section 1 so that the provisions of RCW 18.15.010 will remain unchanged.

"I have also vetoed Section 7 because it amends RCW 18.15.055 in a manner inconsistent with the amendment of that section contained in House Bill 92 passed by the legislature and heretofore approved by me. The veto of this section will make no substantive change in the law.

"With the exception of Section 1 and Section 7 which I have vetoed, the remainder of Substitute House Bill 322 is approved."

DANIEL J. EVANS,  
Governor.

CHAPTER 224.

[Engrossed House Bill No. 132.]

TACOMA ARMORY.

AN ACT relating to state government; authorizing the sale, lease or exchange of the Tacoma armory and the acquisition of a new armory or armories.

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

Tacoma arm-  
ory. Sale.

Section 1. The Washington state military department is hereby authorized to sell, lease or exchange to Pierce county, state of Washington, the present state armory land and buildings in the city of Tacoma, at 715 South 11th Street legally described as Lots 1 through 12, Block 1015, Plat of New Tacoma, Pierce county, Washington, which sale, lease or exchange shall be by and under the direction of the adjutant general in accordance with the procedures provided by law: *Provided*, That in the opinion of the adjutant general the appraised value of said land and buildings is in a sum which together with other funds available to the state military department will provide sufficient funds for the purchase of real property and the construction of a new armory or armories.

Before any sale under the provisions of this act shall be made the property shall be appraised by two independent competent real estate appraisers. Any sale pursuant to the provisions of this act shall be made to the best bidder for a price not less than the appraised value of said property and pursuant to a call for bids published at least fifteen days prior to the date fixed for the sale in one issue of a newspaper printed and published in the county in which the armory is located.

The proceeds of the sale or exchange of said property shall be transmitted by the adjutant general to the state treasurer *to be held by him in a*

*special account to be known as the Tacoma armory fund.* In the event the armory is leased the proceeds of such lease shall be deposited as revenue to the armory fund of the military department.

Sec. 2. Upon the sale or exchange of the property described in section 1 of this act the state military department may select a site or sites for a new armory or armories in Pierce county and may acquire lands and buildings or acquire lands and construct new buildings for such purpose and may furnish and equip such buildings for military purposes.

Selection of  
new site.

Sec. 3. The disposition of the present armory and the acquisition of a new armory or armories shall in all respects be subject to the approval of the governor.

Approval of  
governor.

Passed the House March 8, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967, with the exception of an item in Section 1 which was vetoed.

NOTE: Governor's explanation of partial veto is as follows:

"The purpose of this bill is to authorize the sale of the Tacoma armory at such time as there may be sufficient money in hand from the sale or other sources to replace the armory in Pierce County.

"The bill contains several safeguards to assure this result. One of the redundant safeguards is the establishment of a special account in the treasury to hold the proceeds of the sale.

"I fully agree with the legislative intent that if the armory is sold the funds should be used only for the replacement of the armory. I am satisfied that this can be accomplished without setting up one more special accounting entity in our already too cumbersome fund structure. This matter has been discussed with the prime sponsor of the bill, and with his agreement I am vetoing the language establishing this special fund. I have therefore vetoed certain language in the third paragraph of Section 1. The remainder of House Bill 132 is approved."

DANIEL J. EVANS,  
Governor.

CHAPTER 225.

[Substitute House Bill No. 617.]

CHALLENGING OF REGISTERED VOTERS.

AN ACT relating to challenging of registered voters; amending section 29.59.010, chapter 9, Laws of 1965 and RCW 29.59.010; amending section 2, chapter 156, Laws of 1965 extraordinary session and RCW 29.10.130; amending section 3, chapter 156, Laws of 1965 extraordinary session and RCW 29.10.140; and repealing section 29.59.070, chapter 9, Laws of 1965 and RCW 29.59.070.

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

RCW 29.59.010 amended.

Section 1. Section 29.59.010, chapter 9, Laws of 1965 and RCW 29.59.010 are each amended to read as follows:

Elections. Challenging registered voters—Right to challenge—Conditions.

Registration of a person as a voter shall be presumptive evidence of his right to vote at any primary or election, general or special, but any person's right to vote may be challenged at the polls and he may be required then and there to establish his right to vote: *Provided*, That challenges on grounds of residence alone initiated by a registered voter shall be offered at the office of the appropriate registration officer in the manner provided in RCW 29.10.130, 29.10.140, and 29.10.150 subject to the following conditions:

(1) Such challenge must be filed not later than sixty days prior to any primary or election, special or regular.

(2) The registered voter filing such challenge must furnish the address at which the challenged voter actually resides in order to assure that proper notice will be received by the challenged voter.

(3) *The registered voter may only challenge the residence of another voter in his precinct.*

RCW 29.10.130 amended.

Sec. 2. Section 2, chapter 156, Laws of 1965 extraordinary session and RCW 29.10.130 are each amended to read as follows:

Any precinct committeeman, precinct election officer or registration officer may sign a preliminary request form, subject to the penalties of perjury, to the effect that to his personal knowledge and belief another registered voter does not actually reside and maintain his abode at the address as given on his registration record and that the voter in question is not protected by the provisions of Article VI, Section 4, of the Constitution of the state of Washington: *Provided*, That (1) a precinct committeeman or precinct election officer may only challenge the residence of a voter registered in the precinct wherein such precinct committeeman or precinct election officer serves and (2) the person filing such challenge must furnish the address at which the challenged voter actually resides in order to assure that proper notice will be received by the challenged voter.

Cancellation of registration of voters—Based on residence grounds—Preliminary request form.

Sec. 3. Section 3, chapter 156, Laws of 1965 extraordinary session and RCW 29.10.140 are each amended to read as follows:

RCW 29.10.140 amended.

All such signed forms shall be delivered to the appropriate registration officer who shall cancel the registration records of the voters concerned on the thirtieth day following date of mailing or as soon thereafter as is practicable: *Provided*, That notice of intent to cancel the registration on account of a claimed change of residence shall be mailed by certified mail to that address at which the challenged voter actually resides in order to assure that proper notice will be received by the challenged voter.

Elections—Cancellation of registration—Cancellation based upon residence—Procedural steps required.

Any voter, whose registration has been so questioned, who believes that the allegation is not true, shall within twenty days of such mailing or publication file a written protest with his registration officer. Said registration officer shall immediately notify, by certified mail, the challenger and the challenged voter to appear at a meeting to be held at a place, day and hour certain to be stated in the

Elections—  
Cancellation  
of registration  
—Cancellation  
based upon  
residence—  
Procedural  
steps required.

notice, for determination of the validity of such registration: *Provided*, That should the challenged voter be unable to appear in person he may file a reply by means of an affidavit stating therein under oath the reasons he believes his registration to be valid and should the challenger be unable to appear in person he may file a statement by means of affidavit stating the reasons he believes the registration to be invalid.

The hearing shall take place at the time and place designated by the registration officer. In the event both the challenger and the challenged voter file affidavits instead of appearing in person, an evaluation of such affidavits by the registration officer shall constitute a hearing for the purposes of this section.

At the meeting to be held by the registration officer, he shall hear both parties according to the facts presented and his ruling shall be final, unless ordered otherwise by a court of competent jurisdiction. If the challenger fails to appear at the meeting or fails to file an affidavit, the registration in question may remain in full effect as determined by the registration officer. If the challenged voter fails to appear at the meeting or fails to file an affidavit, then the registration shall be canceled and the voter so notified.

Repeal.

Sec. 4. Section 29.59.070, chapter 9, Laws of 1965 and RCW 29.59.070 are each repealed.

Passed the House March 2, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967, with the exception of an item in Section 1 which was vetoed.

**NOTE:** Governor's explanation of partial veto is as follows:

"This bill revises the procedure for challenging a person's right to vote on the ground that he does not reside in the precinct in which he is registered. Under existing law and under this bill, such a challenge must be made at least sixty days before an election, so that a

challenged voter may preserve his right to vote by transferring his registration to the precinct where he resides.

"This bill further protects the rights of the challenged voter by assuring that he will receive a notice in the mail at his new address advising him that his current registration has been challenged. However, there is one restriction in the bill which is not necessary to protect the challenged voter. This is the provision that another registered voter cannot make the challenge unless he resides in the same precinct.

"Therefore, I have vetoed lines 24 and 25 on page one of the bill which provides:

"(3) The registered voter may only challenge the residence of another voter in his precinct."

"The remainder of Substitute House Bill 617 is approved."

DANIEL J. EVANS,  
Governor.

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## CHAPTER 226.

[House Bill No. 478.]

### YAKIMA ARMORY.

AN ACT relating to state government; authorizing the sale, lease or exchange of the Yakima armory and the acquisition of a new armory or armories.

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

Section 1. The Washington state military department is hereby authorized to sell, lease or exchange Yakima, Washington, which sale, lease or exchange in Yakima County state of Washington the present state armory, land and buildings in the city of Yakima, at 202 South 3d Street, legally described as Lots 1, 2, 3, 4, 5, and 6 in Block 53 in the city of North shall be by and under the direction of the adjutant general in accordance with the procedures provided by law: *Provided*, That in the opinion of the adjutant general the appraised value of said land and buildings is in a sum which together with other funds available to the state military department will provide sufficient funds for the purchase of real property and for the construction of a new armory or armories.

Yakima armory—Sale or lease or exchange.

Yakima armory—Sale or lease or exchange.

The proceeds of the sale or exchange of said property shall be transmitted by the adjutant general to the state treasurer *to be held by him in a special account to be known as the Yakima armory fund*. In the event the armory is leased the proceeds of such lease shall be deposited as revenue to the armory fund of the military department.

Selection of new site.

Sec. 2. Upon the sale or exchange of the property described in section 1 of this act the state military department may select a site or sites for a new armory or armories in Yakima county and may acquire lands and buildings or acquire lands and construct new buildings for such purpose and may furnish and equip such buildings for military purposes.

Approval of governor.

Sec. 3. The disposition of the present armory and the acquisition of a new armory or armories shall in all respects be subject to the approval of the governor.

Passed the House March 9, 1967.

Passed the Senate March 9, 1967.

Approved by the Governor March 21, 1967, with the exception of an item in Section 1 which was vetoed.

**NOTE: Governor's explanation of partial veto is as follows:**

"The purpose of this bill is to authorize the sale of the Yakima armory at such time as there may be sufficient money in hand from the sale or other sources to replace the armory in Yakima County.

"The bill contains several safeguards to assure this result. One of the redundant safeguards is the establishment of a special account in the treasury to hold the proceeds of the sale.

"I fully agree with the legislative intent that if the armory is sold the funds should be used only for the replacement of the armory. I am satisfied that this can be accomplished without setting up one more special accounting entity in our already too cumbersome fund structure. This matter has been discussed with the prime sponsor of the bill, and with his agreement I am vetoing the language establishing this special fund. I have therefore vetoed certain language in the third paragraph of Section 1. The remainder of House Bill 478 is approved."

**DANIEL J. EVANS,**  
Governor.

## CHAPTER 227.

[House Bill No. 918.]

## PUBLIC HOSPITAL DISTRICTS.

AN ACT relating to public hospital districts; adding new sections to chapter 70.44 RCW; repealing section 16, chapter 264, Laws of 1945, as amended by section 4, chapter 157, Laws of 1965, and RCW 70.44.170; and repealing section 19, chapter 264, Laws of 1945 and RCW 70.44.180.

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

Section 1. There is added to chapter 70.44 RCW a New section.  
new section to read as follows:

The treasurer of the county in which a public hospital district is located shall be treasurer of the district, except that the commission by resolution may designate some other person having experience in financial or fiscal matters as treasurer of the district. If the treasurer is not the county treasurer, the commission 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 the commission by resolution from time to time finds will protect the district against loss. The premium on any such bond shall be paid by the district.

Public hospital districts.  
Treasurer, funds, depositaries, interest.

All district funds shall be paid to the treasurer and shall be disbursed by him only on warrants issued by an auditor appointed by the commission, upon orders or vouchers approved by it. The treasurer shall establish a public hospital district fund, into which shall be paid all district funds, and he shall maintain such special funds as may be created by the commission, into which he shall place all money as the commission may, by resolution, direct.

If the treasurer of the district is the treasurer of the county all district funds shall be deposited with the county depositaries under the same restrictions,

Public hospital  
districts.  
Treasurer,  
funds, deposi-  
taries, interest.

contracts, and security as provided for county depositories. If the treasurer of the district is some other person, all funds shall be deposited in such bank or banks authorized to do business in this state as the commission by resolution shall designate, and with surety bond to the district or securities in lieu thereof of the kind, no less in amount, as provided in RCW 36.48.020 for deposit of county funds. Such surety bond or securities in lieu thereof shall be filed or deposited with the treasurer of the district, and approved by resolution of the commission.

All interest collected on district funds shall belong to the district and be deposited to its credit in the proper district funds.

A district may provide and require a reasonable bond of any other person handling moneys or securities of the district. The district may pay the premium on such bond.

New section.

Sec. 2. There is added to chapter 70.44 RCW a new section to read as follows:

Commissioner  
districts—  
Commission-  
ers at large.

Notwithstanding any provision in RCW 70.44.040 to the contrary, any board of public hospital district commissioners may, by resolution, abolish commissioner districts and permit candidates for any position on the board to reside anywhere in the public hospital district.

New section.

Sec. 3. There is added to chapter 70.44 RCW a new section to read as follows:

Contracts for  
joint opera-  
tion.

Any public hospital district may contract or join with any other public hospital district, any publicly owned hospital, any nonprofit hospital, any corporation, or individual to jointly provide such hospital districts and hospitals with services or facilities to be used by such districts and hospitals.

New section.

Sec. 4. There is added to chapter 70.44 RCW a new section to read as follows:

A public hospital district may lease out real or personal property which it owns or in which it has an interest and which is not immediately necessary for its purposes upon such terms as the board of hospital commissioners deem proper.

Lease of surplus property  
—Conditions of lease—  
Surety bond.

No such lease shall be for a period longer than twenty-five years, and each lease of real property shall be secured by a bond conditioned to perform the terms of such lease with surety satisfactory to the commissioners, in a penalty not less than the rental for one-sixth of the term, but in any event not less than the rental for one year. In a lease, the term of which exceeds five years, and when at the option of the commissioners, it is so stipulated in the lease, the commission shall accept, with surety satisfactory to it, a bond conditioned to perform the terms of the lease for some part of the term, in no event less than five years (unless the remainder of the unexpired term is less than five years, in which case for the full remainder) and in every such case the commissioners shall require of the lessee, another or other like bond to be delivered within two years, and not less than one year prior to the expiration of the period covered by the existing bond covering an additional part of the term in accordance with the foregoing provisions in respect to the original bond, and so on until the end of the term so that there will always be in force a bond securing the performance of the lease, and the penalty in each bond shall be not less than the rental for one-half the period covered thereby, but no bond shall be construed to secure the furnishing of any other bond.

The commissioners may accept as surety on any bond required by this section, either an approved surety company or one or more persons satisfactory to the commissioners, or in lieu of such bond may accept a deposit as security of such property or col-

Public hos-  
pital districts.

lateral or the giving of such other form of security as may be satisfactory to the commissioners.

New section.

*Sec. 5. There is added to chapter 70.44 RCW a new section to read as follows:*

Annexation of  
new areas.

*Any area not lying within the boundaries of a public hospital district but completely enclosed by one public hospital district may be annexed to that hospital district by the following procedure. The public hospital district commission shall adopt a resolution declaring that there is reason to believe that the residents of such surrounded area are served by or benefit from the public hospital district and that it is the intention of the district commissioners to annex the surrounded area, describing the area proposed to be annexed and fixing a time and place for a public hearing on such annexation. The resolution shall be published once in a newspaper of general circulation in the district and notice of such proposed annexation shall be posted in at least three locations within the area proposed to be annexed, both such publication and posting to be made at least ten days prior to the day fixed for such hearing. After such hearing, if the district commissioners find that the residents in the area proposed to be annexed are served by or benefit from the public hospital district and that it is in the best interests of the district to annex such area, it shall adopt a resolution annexing the area and file a certified copy thereof with the board of county commissioners. Upon such filing, the area shall become annexed.*

New section.

*Sec. 6. There is added to chapter 70.44 RCW a new section to read as follows:*

Annexation—  
Alternate  
method.  
Election.

*As an alternate method of annexation to public hospital districts, any territory adjacent to a public hospital district may be annexed thereto by vote of the qualified electors residing in the territory to be annexed, in the manner provided in sections 6*

through 8 of this act. An election to annex such territory may be called pursuant to a resolution calling for such an election adopted by the district commissioners.

Any resolution calling for such an election shall describe the boundaries of the territory to be annexed, state that the annexation of such territory to the public hospital district will be conducive to the welfare and benefit of the persons or property within the district and within the territory proposed to be annexed, and fix the date, time and place for a public hearing thereon which date shall be not more than sixty nor less than forty days following the adoption of such resolution.

Sec. 7. There is added to chapter 70.44 RCW a new section to read as follows:

Notice of such hearing shall be published once a week for at least two consecutive weeks in one or more newspapers of general circulation within the territory proposed to be annexed. The notice shall contain a description of the boundaries of the territory proposed to be annexed and shall state the time and place of the hearing thereon and the fact that any changes in the boundaries of such territory will be considered at such time and place. At such hearing or any continuation thereof, any interested person may appear and be heard on all matters relating to the proposed annexation. The district commissioners may make such changes in the boundaries of the territory proposed to be annexed as it shall deem reasonable and proper, but may not delete any portion of the proposed area which will create an island of included or excluded lands. If the district commissioners shall determine that any additional territory should be included in the territory to be annexed, a second hearing shall be held and notice given in the same manner as for the original

Public hospital  
districts—  
Annexation—  
Alternate  
method—Elec-  
tion—Hearing  
—Notice.

Public hospital districts—Annexation—Alternate method—Election—Hearing—Notice.

hearing. The district commissioners may adjourn the hearing on the proposed annexation from time to time not exceeding thirty days in all. At the next regular meeting following the conclusion of such hearing, the district commissioners shall, if it finds that the annexation of such territory will be conducive to the welfare and benefit of the persons and property therein and the welfare and benefit of the persons and property within the public hospital district, adopt a resolution fixing the boundaries of the territory to be annexed and causing to be called a special election on such annexation to be held not more than one hundred twenty days nor less than sixty days following the adoption of such resolution.

New section.

Sec. 8. There is added to chapter 70.44 RCW a new section to read as follows:

Annexation—Alternate method—Conduct of election.

An election on the annexation of territory to a public hospital district shall be conducted and canvassed in the same manner as provided for the conduct of an election on the formation of a public hospital district except that notice of such election shall be published in one or more newspapers of general circulation in the territory proposed to be annexed and the ballot proposition shall be in substantially the following form:

ANNEXATION TO (herein insert name of public hospital district)

“Shall the territory described in a resolution of the public hospital district commissioners of (here insert name of public hospital district) adopted on \_\_\_\_\_, \_\_\_\_\_, 19\_\_\_\_, be annexed to such district?

YES .....   
NO ..... ”

If a majority of those voting on such proposition vote in favor thereof, the territory shall thereupon be annexed to the public hospital district.

Sec. 9. Section 16, chapter 264, Laws of 1945, as amended by section 4, chapter 157, Laws of 1965, and RCW 70.44.170; and section 19, chapter 264, Laws of 1945 and RCW 70.44.180 are hereby repealed. Repeal.

Passed the House March 2, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967, with the exception of Section 5 which was vetoed.

**NOTE: Governor's explanation of partial veto is as follows:**

"This bill deals with the organization of hospital districts and spells out an annexation procedure whereby new territory may be incorporated into the hospital district by vote of the people in the district to be annexed. Section 5, however, provides for annexation of an area completely surrounded by a hospital district without any vote of the people in the area. After notice and hearing, the hospital district commissioners need only find that the residents in the area proposed to be annexed are served by or benefit from the public hospital district and that it is in the best interest of the district to annex the area.

"This section was occasioned by formation of a hospital district with the inadvertent omission of several blocks in the described area. There is no apparent opposition to annexation nor has any effort been made to annex with a vote of the people involved.

"Under this section, a district theoretically could surround an area in which there was opposition to inclusion and subsequently incorporate the area without a vote of the residents.

"Without a greater showing of necessity, I do not believe such unusual annexation power for a hospital district is warranted. I have, therefore, vetoed Section 5 and have approved the remainder of the bill."

**DANIEL J. EVANS,**  
Governor.

CHAPTER 228.

[Substitute House Bill No. 88.]

PUBLIC LANDS—LEASES FOR CULTIVATION OF SHELLFISH.

AN ACT relating to public lands; amending section 142, chapter 255, Laws of 1927 as last amended by section 1, chapter 79, Laws of 1963 and RCW 79.01.568; amending section 143, chapter 255, Laws of 1927 and RCW 79.01.572; amending section 144, chapter 255, Laws of 1927 as amended by section 40, chapter 271, Laws of 1951 and RCW 79.01.576; amending section 146, chapter 255, Laws of 1927 and RCW 79.01.584; amending section 148, chapter 255, Laws of 1927 and RCW 79.01.588; and amending section 149, chapter 255, Laws of 1927 and RCW 79.01.592.

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

RCW 79.01.568 amended.

Section 1. Section 142, chapter 255, Laws of 1927 as last amended by section 1, chapter 79, Laws of 1963 and RCW 79.01.568 are each amended to read as follows:

Public lands. Leases for cultivation of shellfish. Beds of navigable tidal waters.

The beds of all navigable tidal waters in this state lying below extreme low tide not in front of any incorporated city or town, nor within two miles on either side thereof, shall be subject to lease for the purpose of planting and cultivating thereon oyster beds, or for the purpose of cultivating clams or other edible shellfish for periods not to exceed ten years.

Where the lands are used for the cultivation of oysters, the parcels leased shall not exceed forty acres.

Where the lands are used for the cultivation of clams or other edible shellfish, the commissioner may, in his discretion, grant leases for larger parcels.

Nothing in this 1967 amendatory act shall prevent any person from leasing more than one parcel, as offered by the commissioner.

Sec. 2. Section 143, chapter 255, Laws of 1927 and RCW 79.01.572 are each amended to read as follows:

Any citizen of the United States or person who has in good faith declared his intention of becoming a citizen of the United States, or corporation organized under the laws of any state or territory of the United States, and authorized to do business in this state, desiring to lease lands for the purpose of planting and cultivating thereon artificial oyster beds, shall file with the commissioner of public lands, on a proper form an application in writing signed by the applicant and accompanied by a map of the land desired to be leased, describing the lands by metes and bounds tied to at least two United States government corners, and by such reference to local geography as shall suffice to convey a knowledge of the location of the lands with reasonable accuracy to persons acquainted with the vicinity, and accompanied by a deposit of ten dollars which deposit shall be returned to the applicant in case a lease is not granted.

NOTE: The above section was amended by the Legislature but such action was nullified by the Governor's veto of this section. See page 1110 for Governor's explanation.

Sec. 3. Section 144, chapter 255, Laws of 1927 as amended by section 40, chapter 271, Laws of 1951 and RCW 79.01.576 are each amended to read as follows:

The commissioner, upon the receipt of an application for a lease for the purpose of planting and cultivating oyster beds or for the purpose of cultivating clams or other edible shellfish, shall notify the director of fisheries of the filing of the application, describing the lands applied for. The director of fisheries shall cause an inspection of the lands applied for to be made and shall make a full report to the commissioner of his findings as to whether it is necessary, in order to protect existing natural

RCW 79.01.572 amended.

Application, contents.

RCW 79.01.576 amended.

Fish and shellfish—Lease of state tidelands—Inspection and report by director of fisheries—Rental and term.

Fish and shell-  
fish—Lease of  
state tidelands  
—Inspection  
and report by  
director of  
fisheries—  
Rental and  
term.

oyster beds, and to secure adequate seeding thereof, to retain the lands described in the application for lease or any part thereof, and in the event the director deems it advisable to retain the lands or any part thereof for the protection of existing natural oyster beds or to guarantee the continuance of an adequate seed stock for existing natural oyster beds, the same shall not be subject to lease. However, if the director determines that the land applied for or any part thereof may be leased, he shall so notify the commissioner of public lands and the director shall cause an examination of the lands to be made to determine the presence, if any, of natural oysters, clams or other edible shellfish on said lands, and to fix the rental value of the land for use for oyster, clam, or other edible shellfish, cultivation. In his report to the commissioner, the director shall recommend a minimum rental price for said land and an estimation of the value of the oysters, clams, or other edible shellfish, if any, then present on the lands applied for. The lands approved by the director for lease may then be leased to the applicant for a period of not less than five years nor more than ten years at a rental not less than the minimum rental recommended by the director of fisheries. In addition, before entering upon possession of the land, the applicant shall pay the value of the oysters, clams, or other edible shellfish, if any, then present on the land as determined by the director, plus the expense incurred by the director in investigating the quantity of oysters, clams, or other edible shellfish, present on the land applied for.

RCW 79.01.584  
amended.

Sec. 4. Section 146, chapter 255, Laws of 1927 and RCW 79.01.584 are each amended to read as follows:

Renewal  
lease.

The commissioner of public lands may, upon the filing of an application for a renewal lease, cause the lands to be inspected, and if he deem it for the best

interests of the state to re-lease said lands, he shall issue to the applicant a renewal lease for such further period not exceeding ten years and under such terms and conditions as may be determined by the commissioner. In case of an application for a renewal lease it shall not be necessary for the lands to be inspected and reported upon by the director of fisheries and game.

Sec. 5. Section 148, chapter 255, Laws of 1927 and RCW 79.01.588 are each amended to read as follows:

All leases of lands for the purpose of planting and cultivating oyster beds, clam beds, or other edible shellfish beds, shall expressly provide that if at any time after the granting of said lease, the lands described therein shall cease to be used for the purpose of oyster beds, clam beds, or other edible shellfish beds, they shall thereupon revert to and become the property of the state and that the same are leased only for the purpose of cultivating oysters, clams, or other edible shellfish thereon, and that the state reserves the right to enter upon and take possession of said lands if at any time the same are used for any other purpose than the cultivation of oysters, clams, or other edible shellfish.

Sec. 6. Section 149, chapter 255, Laws of 1927 and RCW 79.01.592 are each amended to read as follows:

If from any cause any lands leased for the purpose of planting and cultivating oyster beds, clam beds, or other edible shellfish beds, shall become unfit and valueless for any such purposes, the lessee or his assigns, upon certifying such fact under oath to the commissioner of public land, together with the fact that he has abandoned such land, shall be

entitled to make application for other lands for such purposes.

Passed the House February 11, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967, with the exception of Section 2 which was vetoed.

NOTE: Governor's explanation of partial veto is as follows:

"This bill makes a number of amendments to the laws relating to leases of publicly owned beds of navigable tidal waters for cultivation of oysters, clams and other edible shellfish.

"I have no objection to this legislation. However, section 2 of the bill amends RCW 79.01.572 in a manner inconsistent with the amendment of that section contained in Senate Bill No. 88 which also was passed by the legislature and approved by me. Fortunately, Senate Bill No. 88 makes all of the substantive changes in RCW 79.01.572 relating to cultivation of shellfish which are contemplated by section 2 of Substitute House Bill No. 88. In order to give effect to the legislative intent and to prevent the confusion which results from the adoption of conflicting amendments to the same statute, I have vetoed section 2. The remainder of Substitute House Bill No. 88 is approved."

DANIEL J. EVANS,  
Governor.

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## CHAPTER 229.

[Engrossed House Bill No. 53.]

### ACQUISITION AND IMPROVEMENT OF STATE OFFICE AND WAREHOUSE SPACE AND FACILITIES.

AN ACT relating to state government; providing for state office and warehouse space and facilities; and amending section 43.82.010, chapter 8, Laws of 1965 and RCW 43.82.010.

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

RCW 43.82.010 amended.

Section 1. Section 43.82.010, chapter 8, Laws of 1965 and RCW 43.82.010 are each amended to read as follows:

State agency housing. Acquisition—Procedure.

The director of the department of general administration, as agent for the agency involved, shall purchase, lease or rent all real estate, improved or unimproved, needed for any offices, warehouses and similar purposes as may be required by elected state officials, institutions, departments, commissions and

other state agencies: *Provided*, The director may delegate any or all of these functions to any agency upon such terms and conditions as he deems advisable: *Provided further*, That this section shall not apply to the acquisition of real estate by the colleges and universities for research, *instructional*, *housing* or experimental purposes.

The director is also authorized to purchase, lease or rent improved or unimproved real estate as owner or lessee, and to lease or sublet all or a part of such real estate to state agencies. The director shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

If the director determines that it is necessary or advisable to undertake any work, construction, alteration, repair or improvement on any such leased or rented property, he shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: *Provided*, That the cost of executing such work shall not exceed the sum of twenty-five hundred dollars. Work, construction, alteration, repair or improvement in excess of twenty-five hundred dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

In order to obtain maximum utilization of space, the director shall make space utilization studies, and shall establish standards for use of space by state agencies.

State agency  
housing.  
Acquisition—  
Procedure.

The director may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his management.

All contracts to purchase, lease or rent shall be approved as to form by the attorney general.

Passed the House March 6, 1967.

Passed the Senate March 5, 1967.

Approved by the Governor March 21, 1967, with the exception of certain items in Section 1 which were vetoed.

NOTE: Governor's explanation of partial veto is as follows:

"The bill provides certain procedural changes for the Department of General Administration in completing any work on leased or rented property at a cost of less than \$2,500. An amendment was added in the Senate which eliminated from the jurisdiction of the Department of General Administration authority to act as the agent of colleges and universities in the purchase, lease, or rent of real estate to be used for instructional or housing purposes. This is in addition to the present provisions which eliminate any authority of that department over acquisition of real estate by colleges and universities for research or experimental purposes. This amendment was placed on the bill to eliminate any possibility of recurrence of a problem of several years ago regarding acquisition of property for a university. Its unintended result is that the Department of General Administration has effectively been removed from involvement in the purchase, lease or rent of real estate for the present three state colleges as well as the newly authorized fourth state college.

"The unintended result is inconsistent with Recommendation 11 of the Council for Reorganization of Washington State Government which urges greater centralization of purchasing functions with regard to educational institutions.

"I do not believe that this major departure in responsibility for acquisition of real estate, particularly at a time when a new four-year college which will not have substantial staff to deal with the problems of acquisition of real estate, should be accomplished by an amendment which was not intended for this purpose. If such a change in the responsibility of the Department of General Administration is made, it should be accomplished only after considerable study and reasoned deliberation.

"Deletion of this amendment has been discussed with its sponsor who does not object to its deletion. With the exception of the certain item in Section 1 which I have vetoed for the reasons stated above, the remainder of the bill is approved."

DANIEL J. EVANS,  
Governor.

## CHAPTER 230.

[Senate Bill No. 62.]

## FOREST RESERVE FUNDS.

AN ACT relating to the distribution and expenditure of moneys received from forest reserves; and amending section 36.33.110, chapter 4, Laws of 1963, as amended by section 1, chapter 140, Laws of 1965 extraordinary session, and RCW 36.33.110.

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

Section 1. Section 36.33.110, chapter 4, Laws of 1963, as amended by section 1, chapter 140, Laws of 1965 extraordinary session, and RCW 36.33.110 are each amended to read as follows:

RCW 36.33.110 amended.

The state treasurer shall turn over to the treasurers of the counties within United States forest reserves, the amount of money belonging to them, received from the federal government from such reserves, in accordance with Title 16, section 500, United States Code. Where the reserve is situated in more than one county the money shall be distributed in proportion to the area of the counties interested, and to that end the state treasurer is authorized and required to obtain the necessary information to enable him to make the distribution on such basis.

Forest reserve funds, distribution and expenditure.

County commissioners of the respective counties to which the money is distributed are authorized and directed annually to distribute not less than fifty percent of said money to each school district within each such county according to the proportional number of weighted students enrolled in each such school district during the immediate preceding school year as certified by the county school superintendent of schools or the intermediate district superintendent of schools as the case may be: *Provided*, That if any such school district would suffer a decrease in its total revenue as the result of receipt of said money, such district may refuse its

proportional share and the county commissioners shall thereupon redistribute such proportional share to the remaining districts in the county. The county commissioners shall expend the balance of said money for the benefit of the public roads of such county, and not otherwise.

Passed the Senate February 24, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 231.

[Senate Bill No. 86.]

STATE COLLEGES—DEGREES.

AN ACT relating to the granting of degrees by state colleges; and amending section 1, chapter 13, Laws of 1933 as amended by section 1, chapter 109, Laws of 1947 and RCW 28.81.052.

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

RCW 28.81.052  
amended.

Section 1. Section 1, chapter 13, Laws of 1933 as amended by section 1, chapter 109, Laws of 1947, and RCW 28.81.052 are each amended to read as follows:

State colleges  
—Degrees.

The degree of bachelor of arts in education, or the degree of bachelor of arts, or the degree of bachelor of science may be granted to any student who has completed one of the four-year courses of study in the Central Washington State College, the Eastern Washington State College, or the Western Washington State College: *Provided*, Said courses of study are authorized in accordance with the prescribed law and represent four years of work.

**NOTE:** See also section 7, chapter 47, Laws of 1967.

Passed the Senate February 15, 1967.

Passed the House March 3, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 232.

[Substitute Senate Bill No. 15.]

## MOTORCYCLES AND MOTOR-DRIVEN CYCLES.

AN ACT relating to motor vehicles; prescribing licensing requirements for operators of motorcycles and motor-driven cycles; prescribing equipment for motorcycles and motor-driven cycles and operators and riders thereof; amending section 46.20.130, chapter 12, Laws of 1961 as amended by section 10, chapter 121, Laws of 1965 extraordinary session and RCW 46.20.130; amending section 46.20.220, chapter 12, Laws of 1961 and RCW 46.20.220; amending section 46.37.390, chapter 12, Laws of 1961 and RCW 46.37.390; amending section 70, chapter 155, Laws of 1965 extraordinary session and RCW 46.61.610; adding a new section to chapter 12, Laws of 1961 and to chapter 46.20 RCW; adding a new section to chapter 12, Laws of 1961 and to chapter 46.37 RCW; adding a new section to chapter 12, Laws of 1961 and to chapter 46.48 RCW; and adding new sections to chapter 12, Laws of 1961 and to chapter 46.61 RCW; and providing penalties.

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

Section 1. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

No person shall drive a motorcycle, as defined in RCW 46.04.330, or a motor-driven cycle, as defined in RCW 46.04.332, unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles.

Sec. 2. Section 46.20.130, chapter 12, Laws of 1961 as amended by section 10, chapter 121, Laws of 1965 extraordinary session, and RCW 46.20.130 are each amended to read as follows:

The director shall prescribe the content of the driver licensing examination and the manner of conducting the examination, which shall include:

(1) A test of the applicant's eyesight, his ability to understand highway signs regulating, warning,

Motorcycles—  
Driver's  
licensing  
examinations.

and directing traffic, and his knowledge of the traffic laws of this state;

(2) An actual demonstration of his ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property; and

(3) Such further examination as the director deems necessary (a) to determine whether any facts exist which would bar the issuance of a vehicle operator's license under chapter 46.20, 46.21 and 46.29, and (b) to determine the applicant's fitness to operate a motor vehicle safely on the highways; and

(4) In addition to the foregoing, when the applicant desires to drive a motorcycle, as defined in RCW 46.04.330, or a motor-driven cycle, as defined in RCW 46.04.332, the applicant shall also demonstrate his ability to operate such motorcycle or motor-driven cycle in such a manner as not to jeopardize the safety of persons or property.

RCW 46.37.390  
amended.

Sec. 3. Section 46.37.390, chapter 12, Laws of 1961 and RCW 46.37.390 are each amended to read as follows:

Motorcycle  
equipment.  
Mufflers.

(1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a highway.

(2) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(3) No person shall modify the exhaust system of a motorcycle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motorcycle not equipped as required by this subsection, or which has been amplified as prohibited by this subsection.

Sec. 4. There is added to chapter 12, Laws of 1961 and to chapter 46.37 RCW a new section to read as follows:

New section.

It shall be unlawful:

(1) For any person to operate a motorcycle not equipped with a mirror on each side of the handlebars thereof the two mirrors shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle.

Motorcycles,  
miscellaneous  
equipment  
requirements  
—Helmets.

(2) For any person to operate a motorcycle in excess of thirty-five miles per hour which does not have a windshield unless he wears goggles or a face shield of a type approved by the commission. The commission is hereby authorized and empowered to adopt and amend regulations covering the types of goggles and face shields and the specifications therefor and to establish and maintain a list of approved goggles and face shields which meet the specifications of the established list hereunder.

(3) For any person to operate or ride upon a motorcycle unless he wears a protective helmet of a type approved by the commission on equipment. Such a helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle is in motion. The commission is hereby authorized and empowered to adopt and amend regulations covering the types of helmet and the special specifications therefor and to establish, maintain, and distribute to law enforcement agencies throughout the state a list of approved helmets which meet the specifications to be established by the commission on equipment.

Sec. 5. Section 70, chapter 155, Laws of 1965 extraordinary session and RCW 46.61.610 are each amended to read as follows:

RCW 46.61.610  
amended.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached

Seating—  
Passengers.

Seating—  
Passengers.

thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator: *Provided, however,* That the motorcycle must contain foot pegs of a type approved by the equipment commission.

New section.

Sec. 6. There is added to chapter 12, Laws of 1961 and to chapter 46.61 RCW a new section to read as follows:

Equipment—  
Handlebars.

No person shall operate on a public highway a motorcycle in which the handlebars or grips are more than fifteen inches higher than the seat or saddle for the operator.

New section.

Sec. 7. There is added to chapter 12, Laws of 1961 and to chapter 46.61 RCW a new section to read as follows:

Sidesaddle  
riding pro-  
hibited.

No person shall ride a motorcycle in a position where both feet are placed on the same side of the motorcycle.

Temporary  
exemption for  
parades, etc.

Sec. 8. The provisions of sections 4 through 7 of this act may be temporarily suspended by the chief of the Washington state patrol, or his designee, with respect to the operation of motorcycles within their respective jurisdictions in connection with a parade or public demonstration.

RCW 46.20.220  
amended.

Sec. 9. Section 46.20.220, chapter 12, Laws of 1961 and RCW 46.20.220 are each amended to read as follows:

Rental—  
Licenses—  
Equipment.

(1) It shall be unlawful for any person to rent a motor vehicle of any kind including a motorcycle to any other person unless the latter person is then duly licensed as a vehicle operator for the kind of

motor vehicle being rented in this state or, in case of a nonresident, then that he is duly licensed as an operator under the laws of the state or country of his residence except a nonresident whose home state or country does not require that a motor vehicle operator be licensed;

(2) It shall be unlawful for any person to rent a motor vehicle to another person until he has inspected the vehicle operator's license of such other person and compared and verified the signature thereon with the signature of such other person written in his presence;

(3) Every person renting a motor vehicle to another person shall keep a record of the vehicle license number of the motor vehicle so rented, the name and address of the person to whom the motor vehicle is rented, the number of the vehicle operator's license of the person renting the vehicle and the date and place when and where such vehicle operator's license was issued. Such record shall be open to inspection by any peace officer or anyone acting for the director of licenses.

**NOTE:** See also section 28, chapter 32, Laws of 1967.

Sec. 10. There is added to chapter 12, Laws of 1961 and to chapter 46.48 RCW a new section to read as follows: New section.

It is unlawful for any person to rent out motorcycles unless he shall also have on hand for rent helmets of a type approved by the commission on equipment. Motorcycles—  
Rental—Hel-  
met available  
for rent.

No motorcycle shall be rented out unless the renter thereof has in his possession a helmet of a type approved by the commission on equipment regardless from whom the helmet is obtained.

Passed the Senate March 8, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 233.

[Senate Bill No. 175.]

WATER RIGHTS.

AN ACT relating to water rights; requiring registration of certain water rights; providing for the relinquishment of water rights under certain conditions; prescribing powers, duties and functions; repealing section 14, chapter 263, Laws of 1945 and RCW 90.44.190; and declaring an effective date.

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

Water rights—  
Registration—  
Waiver and  
relinquish-  
ment. Purpose.

Section 1. The future growth and development of the state is dependent upon effective management and efficient use of the state's water resources. The purpose of this act is to provide adequate records for efficient administration of the state's waters, and to cause a return to the state of any water rights which are no longer exercised by putting said waters to beneficial use.

Legislative  
findings.

Sec. 2. The legislature finds that:

- (1) Extensive uncertainty exists regarding the volume of private claims to water in the state;
- (2) Such uncertainty seriously retards the efficient utilization and administration of the state's water resources, and impedes the fullest beneficial use thereof;
- (3) A strong beneficial use requirement as a condition precedent to the continued ownership of a right to withdraw or divert water is essential to the orderly development of the state;
- (4) Enforcement of the state's beneficial use policy is required by the state's rapid growth;
- (5) All rights to divert or withdraw water, except riparian rights which do not diminish the quantity of water remaining in the source such as boating, swimming, and other recreational and aesthetic

uses must be subjected to the beneficial use requirement;

(6) The availability for appropriation of additional water as a result of the requirements of this act will accelerate growth, development, and diversification of the economy of the state;

(7) Water rights will gain sufficient certainty of ownership as a result of this act to become more freely transferable, thereby increasing the economic value of the uses to which they are put, and augmenting the alienability of titles to land.

Sec. 3. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this act shall have the following meanings: Definitions.

(1) "Person" shall mean an individual, partnership, association, public or private corporation, city or other municipality, county, state agency, the state of Washington, or the United States of America.

(2) "Beneficial use" shall include, but not be limited to, domestic water supplies; irrigation; fish, shellfish, game, and other aquatic life; recreation; industrial water supplies; generation of hydroelectric power; and navigation.

Sec. 4. Each person using or claiming a right to withdraw or divert and make use of ground or surface waters of the state shall file with the supervisor of water resources prior to July 1, 1972, a statement of claim for each right asserted on a form provided by the supervisor: *Provided*, That any person who is a holder of and entitled to the benefits arising from a permit or certificate issued by the supervisor of water resources pursuant to RCW 90.03.250 through 90.03.340, or RCW 90.44.060 through 90.44.090, or to RCW 90.03.240, or to RCW 90.03.370, shall, with respect to the rights deriving from such Claim of right to withdraw, divert or use ground or surface waters—Filing statement required—Exemptions.

permit or certificate, be exempt from the provisions of this section.

Water rights—  
Filing—State-  
ment of claim  
—Contents.

Sec. 5. The statement of claim shall include the following:

- (1) The name and mailing address of the claimant;
- (2) The name of the watercourse or water source from which the right to divert or make use of water is claimed;
- (3) The legal description, with reasonable certainty, of the point or points of diversion and place of use of waters;
- (4) The purpose of use, and, if for irrigation, the number of acres irrigated;
- (5) The approximate quantity of water and times of use claimed; and
- (6) The approximate date of first putting water to beneficial use.

Filing  
procedure—  
Processing.

Sec. 6. Filing of a statement of a claim shall take place and be completed upon receipt by the supervisor of water resources at his office in Olympia, of an original statement signed by the claimant or his authorized agent, and two copies thereof. Any person required to file hereunder may file through any representative. A company, association, district, or the United States may file a blanket claim for the total benefits of those served by such company, association, district, or by the United States. Within thirty days after receipt of each statement of claim, the supervisor shall acknowledge receipt of each statement of claim, by a notation on one copy indicating receipt thereof and the date of receipt, and shall set forth thereon the control number assigned thereto, together with the wording, in full, of section 8 of this act, and shall return said copy by certified or registered mail to the claimant at the address set forth in the statement of claim.

Sec. 7. Any person claiming the right to divert or withdraw waters of the state as set forth in section 4 of this act, who fails to submit a statement of claim as provided in sections 4 and 5 of this act, shall be conclusively deemed to have waived and relinquished any right, title, or interest in said right.

Failure to submit claim—Effect.

Sec. 8. The filing of a statement of claim does not constitute an adjudication of any claim to the right to use of waters as between the water use claimant and the state, or as between one or more water use claimants and another or others.

Filing not adjudication of rights.

Sec. 9. For the purpose of this act, the following words and phrases shall have the following meanings:

Additional definitions.

- (1) "Statement of taxes due" means the statement required under RCW 84.56.050;
- (2) "Notice in writing" means a notice substantially in the following form:

**WATER RIGHTS NOTICE**

Every individual, partnership, association, public or private corporation, city or other municipality, county and state agency is hereby notified that all WATER RIGHTS OR CLAIMED WATER RIGHTS must be registered with the Department of Conservation, Olympia, Washington, prior to July 1, 1972. FAILURE TO REGISTER AS REQUIRED BY LAW WILL RESULT IN A WAIVER AND RELINQUISHMENT OF SAID WATER RIGHT OR CLAIMED WATER RIGHT.

PROTECT YOUR WATER RIGHTS—Contact the Department of Conservation for a copy of the act and an explanation thereof.

Sec. 10. To insure that all persons referred to in section 3 of this act are notified of the provisions of this act, the supervisor of water resources is directed to give notice as follows:

Water rights registration—Notice of act—Requirements.

Water rights  
registration—  
Notice of act—  
Requirements.

(1) He shall cause said notice to be placed in a prominent and conspicuous place in all newspapers of the state having a circulation of more than twenty thousand copies for each weekday, and in at least one newspaper in each county of the state, at least once every three months for five consecutive years.

(2) He shall cause a notice to be broadcast by radio and television stations which are heard and/or seen in the state, as designated by the supervisor, on at least six occasions a year for five consecutive years.

(3) He shall cause said notice to be placed in a prominent and conspicuous location in each county courthouse in the state.

(4) The county treasurer of each county shall attach to each statement of taxes due a written copy of the notice provided in section 9 (2) of this act, a statement of claim form, and a declaration that it shall be the duty of the recipient of the statement of taxes due to forward the notice and statement of claim form to the beneficial owner of the property. A sufficient number of copies of notices, statement of claim forms, and declarations shall be supplied to each county treasurer by the supervisor of the division of water resources before the fifteenth day of January of each year through 1972.

(5) He may also in his discretion give notice in any other manner which will carry out the purposes of this section.

(6) Where notice is given in writing pursuant to this section, sections 4, 5 and 7 of this act shall be set forth and quoted in full in addition to the notice set out in section 9 of this act.

Water rights  
claim registry.

Sec. 11. The supervisor of water resources is directed to establish in the division of water resources of the department of conservation, a registry entitled the "Water Rights Claims Registry". All claims

set forth in accordance with this act shall be filed in the registry alphabetically and consecutively by control number, and by drainage basin where appropriate.

Sec. 12. The legislature hereby affirms the rule that no right to withdraw or divert any water shall accrue to any riparian unless said riparian shall have complied with the provisions of law applicable to the appropriation of water.

Affirmance of principles of law.

Sec. 13. When it appears to the supervisor of water resources that a person entitled to the use of water has not beneficially used his water right or some portion thereof, and it appears that said right has or may have reverted to the state because of such nonuse, as provided by sections 16, 17, or 18, the supervisor shall notify such person to show cause at a hearing before the supervisor why his right or portion thereof should not be declared relinquished: *Provided*, That where a company, association, district, or the United States has filed a blanket claim under the provisions of section 6 for the total benefits of those served by it, the notice to show cause shall be served on such company, association, district or the United States and not upon any of its individual water users who may not have used the water or some portion thereof which they were entitled to use. The notice shall contain, (1) the time and place of the hearing as determined by the supervisor, (2) a description of the water right, including the approximate location of the point of diversion, the general description of the lands or places where such waters were used, the water source, the amount involved, the purpose of use, the apparent authority upon which the right is based, and (3) a statement that unless sufficient cause be shown the water right will be declared relinquished. Said notice shall be served by registered or certified

Water rights—  
Reversion to state for non-use—Notice—Hearing—Order.

Water rights—  
Reversion to  
state for non-  
use—Notice—  
Hearing—  
Order.

mail and be posted at least sixty days before the hearing and sent to the last known address of said person. The supervisor shall, as soon as practicable after such hearing, make an order determining whether such water right has been relinquished and give notice to said person of the contents thereof in the same manner as in the notice procedure provided for in this section.

“Sufficient  
cause” for  
nonuse de-  
fined—Rights  
exempted.

Sec. 14. For the purposes of this act “sufficient cause” shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of:

- (1) Drought, or other unavailability of water;
- (2) Active service in the armed forces of the United States during military crisis;
- (3) Nonvoluntary service in the armed forces of the United States;
- (4) The operation of legal proceedings;
- (5) Federal laws imposing land or water use restrictions, or acreage limitations, or production quotas.

Notwithstanding any other provisions of this act, there shall be no relinquishment of any water right:

- (1) If such right is claimed for power development purposes under RCW 90.16 and annual license fees are paid in accordance with RCW 90.16, or
- (2) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply, or
- (3) If such right is claimed for a determined future development to take place either within fifteen years of the effective date of this act, or the most recent beneficial use of the water right, whichever date is later, or

(4) If such right is claimed for municipal water supply purposes under RCW 90.03, or

(5) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030 as now or hereafter amended.

Sec. 15. Nothing in this act shall be construed to affect any rights or privileges arising from any permit to withdraw public waters or any application for such permit, but the supervisor shall grant extensions of time to the holder of a preliminary permit only as provided by RCW 90.03.290.

Rights arising from permit to withdraw.

Sec. 16. Any person entitled to divert or withdraw waters of the state through any appropriation authorized by enactments of the legislature prior to enactment of chapter 117, Laws of 1917, or by custom, or by general adjudication, who abandons the same, or who voluntarily fails, without sufficient cause, to beneficially use all or any part of said right to divert or withdraw for any period of five successive years after the effective date of this act, shall relinquish such right or portion thereof, and said right or portion thereof shall revert to the state, and the waters affected by said right shall become available for appropriation in accordance with RCW 90.03.250.

Abandonment or nonuse—Reversion to state. Rights through appropriation.

Sec. 17. Any person entitled to divert or withdraw waters of the state by virtue of his ownership of land abutting a stream, lake, or watercourse, who abandons the same, or who voluntarily fails, without sufficient cause, to beneficially use all or any part of said right to withdraw or divert said water for any period of five successive years after the effective date of this act shall relinquish such right or portion thereof, and such right or portion thereof shall revert to the state, and the waters affected by said right shall become available for appropriation in accordance with the provisions of RCW 90.03.250.

Relinquishment—Rights to land abutting stream, lake or watercourse.

Water rights—  
Relinquish-  
ment of future  
rights ac-  
quired  
through  
appropriation.

Sec. 18. Any person hereafter entitled to divert or withdraw waters of the state through an appropriation authorized under RCW 90.03.330, 90.44.080, or 90.44.090 who abandons the same, or who voluntarily fails, without sufficient cause, to beneficially use all or any part of said right to withdraw for any period of five successive years shall relinquish such right or portion thereof, and such right or portion thereof shall revert to the state, and the waters affected by said right shall become available for appropriation in accordance with RCW 90.03.250. All certificates hereafter issued by the supervisor of water resources pursuant to RCW 90.03.330 shall expressly incorporate this section by reference.

Judicial re-  
view—Evi-  
dence—Attor-  
ney's fees.

Sec. 19. Any person feeling aggrieved by any order of the supervisor of water resources may have the same reviewed by the superior court of the county in which the waters under consideration are situated. In any review by the courts, the findings of fact as set forth in the report of the supervisor of water resources shall be prima facie evidence of the fact of any waiver or relinquishment of a water right or portion thereof. The court, reviewing any order of the supervisor, may award reasonable attorney's fees to any party injured by an arbitrary, capricious or erroneous order of the supervisor. Such attorney's fees shall be paid by the department of conservation from any funds available therefor.

Application of  
administrative  
procedures  
act.

Sec. 20. All matters relating to the implementation and enforcement of this chapter shall be carried out in accordance with chapter 34.04 RCW as it now exists or hereafter shall be amended except where the provisions of this chapter expressly conflict herewith. Proceedings held pursuant to section 13 hereof are "contested cases" within the meaning of chapter 34.04 RCW.

Sec. 21. The provisions of this act shall apply to all rights to withdraw ground waters of the state, whether authorized by chapter 90.44 RCW or otherwise. **Scope of act.**

Sec. 22. No rights to the use of surface or ground waters of the state affecting either appropriated or unappropriated waters thereof may be acquired by prescription or adverse use. **No rights acquired by adverse use.**

Sec. 23. The supervisor of water resources is authorized to promulgate such rules and regulations as are necessary to carry out the provisions of this act. **Rules and regulations authorized.**

Sec. 24. Section 14, chapter 263, Laws of 1945 and RCW 90.44.190 are each repealed. **Repeal.**

Sec. 25. The effective date of this act is July 1, 1967. **Effective date.**

Sec. 26. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the act can be given effect without the invalid provision or application; and to this end the provisions of this act are declared to be severable. This act shall be liberally construed to effectuate its purpose. **Severability.**

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 234.

[Substitute Senate Bill No. 63.]

RETAIL INSTALLMENT SALES OF GOODS AND SERVICES.

AN ACT relating to and regulating retail installment sales of goods and services; amending section 2, chapter 236, Laws of 1963 and RCW 63.14.020; amending section 3, chapter 236, Laws of 1963 and RCW 63.14.030; amending section 4, chapter 236, Laws of 1963 and RCW 63.14.040; amending section 6, chapter 236, Laws of 1963 and RCW 63.14.060; amending section 8, chapter 236, Laws of 1963 and RCW 63.14.080; amending section 11, chapter 236, Laws of 1963 and RCW 63.14.110; amending section 12, chapter 236, Laws of 1963 and RCW 63.14.120; amending section 13, chapter 236, Laws of 1963 and RCW 63.14.130; amending section 15, chapter 236, Laws of 1963 and RCW 63.14.150; amending section 18, chapter 236, Laws of 1963 and RCW 63.14.180; adding new sections to chapter 236, Laws of 1963 and chapter 63.14 RCW; prescribing penalties; and providing effective dates.

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

RCW 63.14.020 amended.

Section 1. Section 2, chapter 236, Laws of 1963 and RCW 63.14.020 are each amended to read as follows:

Retail installment sales of goods—Retail installment contracts—Requirements.

Every retail installment contract shall be contained in a single document which shall contain the entire agreement of the parties including any promissory notes or other evidences of indebtedness between the parties relating to the transaction, except as provided in RCW 63.14.050, 63.14.060 and 63.14.110: *Provided*, That where the buyer's obligation to pay the time balance is represented by a promissory note secured by a chattel mortgage, the promissory note may be a separate instrument if the mortgage recites the amount and terms of payment of such note and the promissory note recites that it is secured by a mortgage: *Provided further*, That any such promissory note or other evidence of indebtedness executed by the buyer shall not, when

assigned or negotiated, cut off as to third parties any right of action or defense which the buyer may have against the seller, and each such promissory note or other evidence of indebtedness shall contain a statement to that effect: *And provided further*, That in a transaction involving the repair, alteration or improvement upon or in connection with real property, the contract may be secured by a mortgage on the real property contained in a separate document. Home improvement retail sales transactions which are financed or insured by the Federal Housing Administration are not subject to this chapter.

The contract shall be dated, signed by the retail buyer and completed as to all essential provisions, except as otherwise provided in RCW 63.14.060 and 63.14.070. The printed or typed portion of the contract, other than instructions for completion, shall be in a size equal to at least eight point type.

Sec. 2. Section 3, chapter 236, Laws of 1963 and RCW 63.14.030 are each amended to read as follows:

The retail seller shall deliver to the retail buyer, at the time the buyer signs the contract a copy of the contract as signed by the buyer, unless the contract is completed by the buyer in situations covered by section 4 of this 1967 amendatory act, and if the contract is accepted at a later date by the seller the seller shall mail to the buyer at his address shown on the retail installment contract a copy of the contract as accepted by the seller or a copy of the memorandum as required in section 4 of this 1967 amendatory act. Until the seller does so, the buyer shall be obligated to pay only the cash sale price. Any acknowledgment by the buyer of delivery of a copy of the contract shall be in a size equal to at least ten point bold type and, if contained in the contract, shall appear directly above the buyer's signature.

RCW 63.14.030 amended.

Retail installment contract  
— Copy to buyer.

RCW 63.14.040  
amended.

Retail install-  
ment contracts  
—Contents.

Sec. 3. Section 4, chapter 236, Laws of 1963 and RCW 63.14.040 are each amended to read as follows:

(1) The retail installment contract shall contain the names of the seller and the buyer, the place of business of the seller, the residence or other address of the buyer as specified by the buyer and a description or identification of the goods sold or to be sold, or service furnished or rendered or to be furnished or rendered. The contract also shall contain the following items, which shall be set forth in the sequence appearing below:

(a) The cash sale price of each item of goods or services;

(b) The amount of the buyer's down payment, if any, identifying the amounts paid in money and allowed for goods traded in;

(c) The difference between items (a) and (b);

(d) The aggregate amount, if any, included for insurance, specifying the type or types of insurance and the terms of coverage;

(e) The aggregate amount of official fees, if any;

(f) The principal balance, which is the sum of items (c), (d) and (e);

(g) The dollar amount or rate of the service charge;

(h) The amount of the time balance owed by the buyer to the seller, which is the sum of items (f) and (g), if (g) is stated in a dollar amount; and

(i) Except as otherwise provided in the next two sentences, the maximum number of installment payments required and the amount of each installment and the due date of each payment necessary to pay such balance. If installment payments other than the final payment are stated as a series of equal scheduled amounts and if the amount of the final installment payment does not substantially exceed the scheduled amount of each preceding in-

stallment payment, the maximum number of payments and the amount and due date of each payment need not be separately stated and the amount of the scheduled final installment payment may be stated as the remaining unpaid balance. The due date of the first installment payment may be fixed by a day or date or may be fixed by reference to the date of the contract or to the time of delivery or installation.

Additional items may be included to explain the calculations involved in determining the balance to be paid by the buyer.

(2) Every retail installment contract shall contain the following notice in ten point bold face type or larger directly above the space reserved in the contract for the signature of the buyer: "NOTICE TO BUYER:

(a) Do not sign this contract before you read it or if any spaces intended for the agreed terms, except as to unavailable information, are blank.

(b) You are entitled to a copy of this contract at the time you sign it.

(c) You may at any time pay off the full unpaid balance due under this contract, and in so doing you may receive a partial rebate of the service charge.

(d) The service charge does not exceed .....% (must be filled in) per annum computed monthly and may not lawfully exceed 18% per annum computed monthly.

(e) You may cancel this contract and return any goods received, if it is solicited in person, and you sign it, at a place other than the seller's business address shown on the contract, by sending notice of such cancellation by certified mail return receipt requested to the seller at his address shown on the contract, which notice shall be posted not later than the next business day following your signing this contract: *Provided*, That at the time of

Retail installment contracts  
—Contents.

sending notice of cancellation you have not received and accepted a substantial part of the goods or services which the seller is required to furnish under this contract.”

Clause (2) (e) needs to be included in the notice only if the contract is solicited in person by the seller or his representative, and the buyer signs it, at a place other than the seller’s business address shown on the contract.

RCW 63.14.060  
amended.

Sec. 4. Section 6, chapter 236, Laws of 1963 and RCW 63.14.060 are each amended to read as follows:

Mail orders  
based upon  
catalog, etc.

Retail installment contracts negotiated and entered into by mail or telephone without solicitation in person by salesmen or other representatives of the seller and based upon a catalog of the seller, or other printed solicitation of business, if such catalog or other printed solicitation clearly sets forth the cash sale prices and other terms of sales to be made through such medium, may be made as provided in this section. The provisions of this chapter with respect to retail installment contracts shall be applicable to such sales, except that the retail installment contract, when completed by the buyer need not contain the items required by RCW 63.14.040.

When the contract is received from the retail buyer, the seller shall prepare a written memorandum containing all of the information required by RCW 63.14.040 to be included in a retail installment contract. In lieu of delivering a copy of the contract to the retail buyer as provided in RCW 63.14.030, the seller shall deliver to the buyer a copy of such memorandum prior to the due date of the first installment payable under the contract: *Provided*, That if the catalog or other printed solicitation does not set forth all of the other terms of sales in addition to the cash sales prices, such memorandum shall be delivered to the buyer prior to or at the time of delivery of the goods or services.

Sec. 5. Section 8, chapter 236, Laws of 1963 and RCW 63.14.080 are each amended to read as follows:

RCW 63.14.080  
amended.

For the purpose of this section "periodic time balance" means the unpaid portion of the time balance as of the last day of each month, or other uniform time interval established by the regular consecutive payment period scheduled in a retail installment contract.

Repayment—  
Refund.

Notwithstanding the provisions of any retail installment contract to the contrary, and if the rights of the purchaser have not been terminated or forfeited under the terms of the contract, any buyer may prepay in full the unpaid portion of the time balance thereof at any time before its final due date and, if he does so, he shall receive a refund credit of the unearned portion of the service charge for such prepayment. The amount of such refund credit shall be computed according to the "rule of seventy-eighths" that is it shall represent at least as great a portion of the original service charge, as the sum of the periodic time balances not yet due bears to the sum of all the periodic time balances under the schedule of payments in the contract: *Provided*, That where the earned service charge (total service charge minus refund credit) thus computed is less than the following minimum service charge: fifteen dollars where the principal balance is not in excess of two hundred and fifty dollars, twenty-five dollars where the principal balance exceeds two hundred and fifty dollars but is not in excess of five hundred dollars, thirty-seven dollars and fifty cents where the principal balance exceeds five hundred dollars but is not in excess of one thousand dollars, and fifty dollars where the principal balance exceeds one thousand dollars; then such minimum service charge shall be deemed to be the earned service charge: *And provided further*, That where the

amount of such refund credit is less than one dollar, no refund credit need be made.

RCW 63.14.110  
amended.

Sec. 6. Section 11, chapter 236, Laws of 1963 and RCW 63.14.110 are each amended to read as follows:

Retail install-  
ment contracts  
—Consolida-  
tion of subse-  
quent pur-  
chases.

(1) If, in a retail installment transaction, a retail buyer makes any subsequent purchases of goods or services from a retail seller from whom he has previously purchased goods or services under one or more retail installment contracts, and the amounts under such previous contract or contracts have not been fully paid, the subsequent purchases may, at the seller's option, be included in and consolidated with one or more of the previous contracts. All the provisions of this chapter with respect to retail installment contracts shall be applicable to such subsequent purchases except as hereinafter stated in this subsection. In the event of such consolidation, in lieu of the buyer's executing a retail installment contract respecting each subsequent purchase, as provided in this section, it shall be sufficient if the seller shall prepare a written memorandum of each such subsequent purchase, in which case the provisions of RCW 63.14.020, 63.14.030 and 63.14.040 shall not be applicable. Unless previously furnished in writing to the buyer by the seller, by sales slip, memoranda or otherwise, such memorandum shall set forth with respect to each subsequent purchase items (a) to (g) inclusive of RCW 63.14.040 (1), and in addition, if the service charge is stated as a dollar amount, the amount of the time balance owed by the buyer to the seller for the subsequent purchase, the outstanding balance of the previous contract or contracts, the consolidated time balance, and the revised installments applicable to the consolidated time balance, if any, in accordance with RCW 63.14.040. If the service charge is not stated in a dollar amount, in addition to the items (a) to (g) inclusive of RCW 63.14.040 (1), the mem-

orandum shall set forth the outstanding balance of the previous contract or contracts, the consolidated outstanding balance and the revised installments applicable to the consolidated outstanding balance, in accordance with RCW 63.14.040.

The seller shall deliver to the buyer a copy of such memorandum prior to the due date of the first installment of such consolidated contract.

(2) When such subsequent purchases are made, if the seller has retained title or taken a lien or other security interest in any of the goods purchased under any one of the contracts included in the consolidation:

(a) The entire amount of all payments made prior to such subsequent purchases shall be deemed to have been applied on the previous purchases;

(b) The amount of any down payment on the subsequent purchase shall be allocated in its entirety to such subsequent purchase.

(c) Each payment received after the subsequent purchase shall be deemed to be allocated to all of the various time balances in the same proportion or ratio as the original cash sale prices of the various retail installment transactions bear to one another: *Provided*, That the seller may elect, where the amount of each installment payment is increased in connection with the subsequent purchase, to allocate only the increased amount to the time balance of the subsequent retail installment transaction, and to allocate the amount of each installment payment prior to the increase to the time balance(s) existing at the time of the subsequent purchase.

The provisions of this subsection shall not apply to cases where such previous and subsequent purchases involve equipment, parts, or other goods attached or affixed to goods previously purchased and not fully paid, or to services in connection therewith rendered by the seller at the buyer's request.

RCW 63.14.120  
amended.

Retail charge  
agreements—  
Information to  
be furnished  
by seller.

Sec. 7. Section 12, chapter 236, Laws of 1963 and RCW 63.14.120 are each amended to read as follows:

(1) At or prior to the time a retail charge agreement is made the seller shall advise the buyer in writing, on the application form or otherwise, or orally that a service charge will be computed on the outstanding balance for each month (which need not be a calendar month) or other regular period agreed upon, the schedule or rate by which the service charge will be computed, and that the buyer may at any time pay his total unpaid balance: *Provided*, That if this information is given orally, the seller shall, upon approval of the buyer's credit, deliver to the buyer or mail to him at his address, a memorandum setting forth this information.

(2) The seller or holder of a retail charge agreement shall promptly supply the buyer with a statement as of the end of each monthly period (which need not be a calendar month) or other regular period agreed upon, in which there is any unpaid balance thereunder, which statement shall set forth the following:

(a) The unpaid balance under the retail charge agreement at the beginning and at the end of the period;

(b) Unless otherwise furnished by the seller to the buyer by sales slip, memorandum, or otherwise, a description or identification of the goods or services purchased during the period, the cash sale price and the date of each purchase;

(c) The payments made by the buyer to the seller and any other credits to the buyer during the period;

(d) The amount, if any, of any service charge for such period; and

(e) A legend to the effect that the buyer may at any time pay his total unpaid balance.

(3) Every retail charge agreement shall contain the following notice in ten point bold face type or larger directly above the space reserved in the charge agreement for the signature of the buyer:  
NOTICE TO BUYER:

(a) Do not sign this retail charge agreement before you read it or if any spaces intended for the agreed terms are left blank.

(b) You are entitled to a copy of this charge agreement at the time you sign it.

(c) You may at any time pay off the full unpaid balance under this charge agreement.

(d) The monthly service charge may not lawfully exceed the greater of 1½% of the outstanding balance (18% per year computed monthly) or one dollar.

(e) You may cancel any purchases made under this charge agreement and return the goods so purchased, if the seller or his representative solicited in person such purchase, and you sign an agreement for such purchase, at a place other than the seller's business address shown on the charge agreement, by sending notice of such cancellation by certified mail return receipt requested to the seller at his address shown on the charge agreement, which notice shall be posted not later than the next business day following your signing of the purchase agreement: *Provided*, That at the time of sending notice of rescission you have not received and accepted a substantial part of the goods or services which you agreed to purchase.

Sec. 8. Section 13, chapter 236, Laws of 1963 and RCW 63.14.130 are each amended to read as follows:

The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or

RCW 63.14.130  
amended.

Retail installment contracts and retail charge agreements—Service charge.

Retail installment contracts and retail charge agreements—Service charge.

charge whatsoever shall be taken, received, reserved or contracted from the buyer.

(1) The service charge, in a retail installment contract, shall not exceed the highest of the following:

(a) Five-sixths of one percent of the principal balance multiplied by the number of months, including any fraction of a month in excess of fifteen days as one month, elapsing between the date of such contract and the due date of the last installment; or

(b) Ten dollars per annum per one hundred dollars of the principal balance; or

(c) One and one-half percent per month on the outstanding unpaid balances; or

(d) Fifteen dollars.

(2) The service charge in a retail charge agreement, revolving charge agreement or charge agreement, shall not exceed one and one-half percent per month on the outstanding unpaid balances. If the service charge so computed is less than one dollar for any month, then one dollar may be charged.

(3) A service charge may be computed on the median amount within a range which does not exceed ten dollars and which is a part of a published schedule of consecutive ranges applied to an outstanding balance, provided the median amount is used in computing the service charge for all balances within such range.

(4) The service charge in a retail installment contract or charge agreement shall not exceed the rate of eighteen percent per annum, computed monthly. A service charge computed by one of the foregoing methods, or within the permitted minimum charges, shall be deemed not to be in excess of eighteen percent per annum computed monthly.

Sec. 9. Section 15, chapter 236, Laws of 1963 and RCW 63.14.150 are each amended to read as follows:

RCW 63.14.150 amended.

No provision of a retail installment contract or retail charge agreement shall be valid by which the buyer agrees not to assert against the seller or against an assignee a claim or defense arising out of the sale, or by which the buyer agrees to submit to suit in a county other than the county where the buyer signed the contract or where the buyer resides or has his principal place of business.

Prohibited provisions.

Sec. 10. Section 18, chapter 236, Laws of 1963 and RCW 63.14.180 are each amended to read as follows:

RCW 63.14.180 amended.

Any person who enters into a retail installment contract or charge agreement which does not comply with the provisions of this chapter or who violates any provision of this chapter except as a result of an accidental or bona fide error shall be barred from the recovery of any service charge, official fees, or any delinquency or collection charge under or in connection with the related retail installment contract or purchases under a retail charge agreement; but such person may nevertheless recover from the buyer an amount equal to the cash price of the goods or services and the cost to such person of any insurance included in the transaction: *Provided*, That if the service charge is in excess of that allowed by section 8 of this 1967 amendatory act, except as the result of an accidental or bona fide error, the buyer shall be entitled to an amount equal to the total of (1) twice the amount of the service charge paid, and (2) the amount of the service charge contracted for and not paid, plus (3) costs and reasonable attorneys' fees. The reduction in the cash price by the application of the above sentence shall be applied to diminish pro rata each future installment of principal amount payable under the terms of the contract or agreement.

Noncompliance—Effect—Remedy of buyer—Extent of recovery.

New section.

Sec. 11. There is added to chapter 236, Laws of 1963 and to chapter 63.14 RCW a new section to read as follows:

Declaratory judgment actions to establish excessive service charge.

The seller, holder, or buyer may bring an action for declaratory judgment to establish whether service charges contracted for or received in connection with a retail installment transaction are in excess of those allowed by this 1967 amendatory act. Such an action shall be brought against the current holder or against the buyer or his successor in interest or, if the entire principal balance has been fully paid, by the buyer or his successor in interest against the holder to whom the final payment was made. No such action shall be commenced after six months following the date the final payment becomes due, whether by acceleration or otherwise, nor after six months following the date the principal balance is fully paid, whichever first occurs. If the buyer commences such an action and fails to establish that the service charge is in excess of that allowed by section 8 of this 1967 amendatory act, and if the court finds the action was frivolously commenced, the defendant or defendants may, in the court's discretion, recover reasonable attorney's fees and costs from the buyer.

New section.

Sec. 12. There is added to chapter 236, Laws of 1963 and to chapter 63.14 RCW a new section to read as follows:

Cancellation of transaction by buyer—Procedure.

(1) In addition to any other rights he may have, the buyer shall have the right to cancel a retail installment transaction for other than the seller's breach:

(a) If the buyer has not received and accepted a substantial part of the goods or services which the seller is required to furnish under the contract or charge agreement; and

(b) If the retail installment transaction was entered into by the buyer and solicited in person by

the seller or his representative at a place other than the seller's address, which may be his main or branch office, shown on the contract; and

(c) If the buyer returns goods received or holds them at the seller's disposal as provided in clause (b) of subsection (2) of this section.

(d) By sending notice of such cancellation to the seller at his place of business as set forth in the contract or charge agreement by certified mail, return receipt requested, which shall be posted not later than the next business day following the date the buyer signs the contract or charge agreement.

(2) In the event of cancellation pursuant to this section:

(a) The seller shall, without request, refund to the buyer within ten days after such cancellation at least ninety percent of all deposits, including any down payment, made under the contract or charge agreement and shall return all goods traded in to the seller on account or in contemplation of the contract less any reasonable costs actually incurred in making ready for sale the goods so traded in;

(b) The seller shall be entitled to reclaim and the buyer shall return or hold at the seller's disposal any goods received by the buyer under the contract or charge agreement;

(c) The buyer shall incur no additional liability for such cancellation.

Sec. 13. There is added to chapter 236, Laws of 1963 and to chapter 63.14 RCW a new section to read as follows:

The holder of a retail installment contract may, upon agreement with the buyer, extend the scheduled due date or defer a scheduled payment of all or of any part of any installment or installments payable thereunder. No charge shall be made for any such extension or deferment unless a written acknowledgment of such extension or deferment is

New section.

Retail installment contracts—Extension or deferment of payments—Agreements, charges.

Retail installment contracts—  
—Extension or deferral of payments—  
Agreements—  
charges.

sent or delivered to the buyer. The holder may charge and contract for the payment of an extension or deferral charge by the buyer and collect and receive the same, but such charge may not exceed those permitted by section 8 (a), (b), or (c) of this 1967 amendatory act on the amount of the installment or installments, or part thereof, extended or deferred for the period of extension or deferral. Such period shall not exceed the period from the date when such extended or deferred installment or installments, or part thereof, would have been payable in the absence of such extension or deferral, to the date when such installment or installments, or part thereof, are made payable under the agreement of extension or deferral; except that a minimum charge of one dollar for the period of extension or deferral may be made in any case where the extension or deferral charge, when computed at such rate, amounts to less than one dollar. Such agreement may also provide for the payment by the buyer of the additional cost to the holder of the contract of premiums for continuing in force, until the end of such period of extension or deferral, any insurance coverages provided for in the contract, subject to the provisions of RCW 63.14.140.

New section.

Sec. 14. There is added to chapter 236, Laws of 1963 and to chapter 63.14 RCW a new section to read as follows:

Refinancing agreement—  
Costs—  
Contents.

The holder of a retail installment contract or contracts may, upon agreement in writing with the buyer, refinance the payment of the unpaid time balance or balances of the contract or contracts by providing for a new schedule of installment payments.

The holder may charge and contract for the payment of a refinance charge by the buyer and collect and receive the same but such refinance charge (1) shall be based upon the amount refinanced, plus any

additional cost of insurance and of official fees incident to such refinancing, after the deduction of a refund credit in an amount equal to that to which the buyer would have been entitled under section 5 of this 1967 amendatory act if he had prepaid in full his obligations under the contract or contracts, but in computing such refund credit there shall not be allowed the minimum earned service charge as authorized by clause (d) of subsection (1) of such section, and (2) may not exceed the rate of service charge provided under section 8 of this 1967 amendatory act. Such agreement for refinancing may also provide for the payment by the buyer of the additional cost to the holder of the contract or contracts of premiums for continuing in force, until the maturity of the contract or contracts as refinanced, any insurance coverages provided for therein, subject to the provisions of RCW 63.14.140.

The refinancing agreement shall set forth the amount of the unpaid time balance or balances to be refinanced, the amount of any refund credit, the amount to be refinanced after the deduction of the refund credit, the amount or rate of the service charge under the refinancing agreement, any additional cost of insurance and of official fees to the buyer, the new unpaid time balance, if the service charge is stated as a dollar amount, and the new schedule of installment payments. Where there is a consolidation of two or more contracts then the provisions of section 6 of this 1967 amendatory act shall apply.

Sec. 15. There is added to chapter 236, Laws of 1963 and to chapter 63.14 RCW a new section to read as follows:

New section.

In the event a contract provides for the payment of any installment which is more than double the amount of the average of the preceding installments the buyer, upon default of this installment, shall be

New payment  
schedule—  
When au-  
thorized.

given an absolute right to obtain a new payment schedule. Unless agreed to by the buyer, the periodic payments under the new schedule shall not be substantially greater than the average of the preceding installments. This section shall not apply if the payment schedule is adjusted to the seasonal or irregular income of the buyer or to accommodate the nature of the buyer's employment.

## Severability.

Sec. 16. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Effective date  
—Effect on  
contracts  
entered into  
prior to effective date.

Sec. 17. This 1967 amendatory act shall take effect on January 1, 1968. Nothing in this 1967 amendatory act shall be construed to affect the validity of any agreement or contractual relationship entered into prior to such date, except that the rate of any service charge computed periodically on the outstanding balance in excess of that allowed by this 1967 amendatory act shall be reduced to a permissible rate on or before January 1, 1968.

Passed the Senate March 8, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 235.

[Senate Bill No. 76.]

## WASHINGTON NONPROFIT CORPORATION ACT.

AN ACT relating to nonprofit associations; repealing chapter 110, Laws of 1961; repealing section 6, chapter 12, Laws of 1959, section 3, chapter 263, Laws of 1959, chapter 32, Laws of 1955, chapter 121, Laws of 1953, chapter 249, Laws of 1947, chapter 122, Laws of 1943, chapter 89, Laws of 1933, section 2, chapter 63, Laws of 1925 extraordinary session, chapter 8, Laws of 1923, chapters 75 and 134, Laws of 1907, chapter 125, Laws of 1905, page 24, chapter XIX (19), Laws of 1895, page 348, chapter CXXXV (135), Laws of 1895, chapter CLVIII (158), Laws of 1895, section 1, page 86, Laws of 1886, sections 2450 through 2454, Code of 1881, pages 409 through 411, Laws of 1873, pages 341 and 342, Laws of 1869, pages 67 and 68, Laws of 1866, and RCW sections 24.01.010, 24.04.010 through 24.04.170, 24.08.010 through 24.08.900, and 24.16.010 through 24.16.140; and providing penalties; and providing an effective date.

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

Section 1. This act shall be known and may be cited as the "Washington nonprofit corporation act."

Nonprofit Corporation Act. Short title.

Sec. 2. As used in this act, unless the context otherwise requires, the term:

Nonprofit Corporation Act—Definitions.

(1) "Corporation" or "domestic corporation" means a corporation not for profit subject to the provisions of this act, except a foreign corporation.

(2) "Foreign corporation" means a corporation not for profit organized under laws other than the laws of this state.

(3) "Not for profit corporation" means a corporation no part of the income of which is distributable to its members, directors or officers.

(4) "Articles of incorporation" includes the original articles of incorporation and all amendments thereto, and includes articles of merger.

(5) "Bylaws" means the code or codes of rules adopted for the regulation or management of the

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affairs of the corporation irrespective of the name or names by which such rules are designated.

(6) "Member" means one having membership rights in a corporation in accordance with the provisions of its articles of incorporation or bylaws.

(7) "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated.

(8) "Insolvent" means inability of a corporation to pay debts as they become due in the usual course of its affairs.

Applicability.

Sec. 3. The provisions of this act relating to domestic corporations shall apply to:

- (1) All corporations organized hereunder; and
- (2) All not for profit corporations heretofore organized under any act hereby repealed, for a purpose or purposes for which a corporation might be organized under this act.

The provisions of this act relating to foreign corporations shall apply to all foreign not for profit corporations conducting affairs in this state for a purpose or purposes for which a corporation might be organized under this act.

Purposes.

Sec. 4. Corporations may be organized under this act 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 act: *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), as now or hereafter amended, shall continue to be organized under this act.

Sec. 5. One or more persons may incorporate a corporation by signing, verifying and delivering articles of incorporation in duplicate to the secretary of state. Incorporators

Sec. 6. The articles of incorporation shall set forth: Articles of incorporation.

- (1) The name of the corporation.
- (2) The period of duration.
- (3) The purpose or purposes for which the corporation is organized.

(4) Any provisions, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision for distribution of assets on dissolution or final liquidation.

(5) The address of its initial registered office, including street and number, and the name of its initial registered agent at such address.

(6) The number of directors constituting the initial board of directors, and the names and addresses of the persons who are to serve as the initial directors.

(7) The name and address of each incorporator.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this act.

Unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment to the articles of incorporation, a change in the number of directors made by amendment to the bylaws shall be controlling. In all other cases, whenever a provision of the articles of

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incorporation is inconsistent with a bylaw, the provision of the articles of incorporation shall be controlling.

(8) The name of any persons or corporations to whom net assets are to be distributed in the event the corporation is dissolved.

Limitations.

Sec. 7. A corporation shall not have or issue shares of stock. No dividend shall be paid and no part of the income of a corporation shall be distributed to its members, directors or officers. A corporation may pay compensation in a reasonable amount to its members, directors or officers for services rendered, may confer benefits upon its members in conformity with its purposes, and upon dissolution or final liquidation may make distributions to its members as permitted by this act, and no such payment, benefit or distribution shall be deemed to be a dividend or a distribution of income.

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Sec. 8. Each corporation shall have power:

(1) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.

(2) To sue and be sued, complain and defend, in its corporate name.

(3) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(4) To purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated.

(5) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(6) To lend money to its employees other than its officers and directors.

(7) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, whether for profit or not for profit, associations, partnerships or individuals, or direct or indirect obligations of the United States, or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof.

(8) To make contracts and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income.

(9) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(10) To conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this act in any state, territory, district, or possession of the United States, or in any foreign country.

(11) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.

(12) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of the affairs of the corporation.

(13) Unless otherwise provided in the articles of incorporation, to make donations for the public welfare or for charitable, scientific or educational pur-

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poses; and in time of war to make donations in aid of war activities.

(14) To indemnify any director or officer or former director or officer of the corporation, or any person who may have served at its request as a director or officer of another corporation, whether for profit or not for profit, against expenses actually and necessarily incurred by him in connection with the defense of any action, suit or proceeding in which he is made a party by reason of being or having been such director or officer, except in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty; but such indemnification shall not be deemed exclusive of any other rights to which such director or officer may be entitled, under any bylaw, agreement, vote of board of directors or members, or otherwise.

(15) To cease its corporate activities and surrender its corporate franchise.

(16) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized.

Defense of ultra vires.

Sec. 9. No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted:

(1) In a proceeding by a member or a director against the corporation to enjoin the doing or continuation of unauthorized acts, or the transfer of real or personal property by or to the corporation. If the unauthorized acts or transfer sought to be enjoined are being, or are to be, performed pursuant to any contract to which the corporation is a party, the court may, if all of the parties to the contract are

parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of such contract, and in so doing may allow to the corporation or the other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of such contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained.

(2) In a proceeding by the corporation, whether acting directly or through a receiver, trustee, or other legal representative, or through members in a representative suit, against the officers or directors of the corporation for exceeding their authority.

(3) In a proceeding by the attorney general, as provided in this act, to dissolve the corporation, or in a proceeding by the attorney general to enjoin the corporation from performing unauthorized acts, or in any other proceeding by the attorney general.

Sec. 10. The corporate name:

(1) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation.

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name.

(2) Shall not be the same as, or deceptively similar to, the name of any corporation, whether for profit or not for profit, existing under any act of this state, or any foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this state, or a corporate name reserved or registered as permitted by the laws of this state.

(3) Shall be transliterated into letters of the English alphabet, if it is not in English.

(4) Shall not end with "incorporated," "company" or "corporation" or any abbreviation thereof,

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but may use "club," "league," "association," "services," "committee," "fund," "society," or any name of like import.

Registered office and registered agent.

Sec. 11. Each corporation shall have and continuously maintain in this state:

(1) A registered office which may be, but need not be, the same as its principal office.

(2) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, whether for profit or not for profit, or a foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this state, having an office identical with such registered office. The resident agent and registered office shall be designated by duly adopted resolution of the board of directors; and a verified statement of such designation, executed by the president or a vice president of the corporation, together with a copy of the board of directors' designating resolution certified as true by the secretary of the corporation, shall be filed with the secretary of state.

Change of registered office or registered agent.

Sec. 12. A corporation may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state a statement setting forth:

(1) The name of the corporation.

(2) The address of its then registered office.

(3) If the address of its registered office be changed, the address to which the registered office is to be changed, including street and number.

(4) The name of its then registered agent.

(5) If its registered agent be changed, the name of its successor registered agent.

(6) That the address of its registered office and the address of the office of its registered agent, as changed, will be identical.

(7) That such change was authorized by resolution duly adopted by its board of directors.

Such statement shall be executed by the corporation by its president or a vice president, and verified by him, and delivered to the secretary of state. If the secretary of state finds that such statement conforms to the provisions of this act, he shall file such statement in his office, and upon such filing, the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state, who shall forthwith mail a copy thereof to the corporation in care of an officer, who is not the resigning registered agent, at the address of such officer as shown by the most recent annual report of the corporation. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

Sec. 13. The registered agent so appointed by a corporation shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Service of  
process on  
corporation.

Whenever a corporation shall fail to appoint or maintain a registered agent in this state, or whenever its registered agent cannot with reasonable diligence be found at the registered office, then the secretary of state shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the secretary of state of any such process, notice, or demand shall be made by delivering to and leaving with him, or with any

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clerk having charge of the corporation department of his office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the secretary of state, he shall immediately cause one of the copies thereof to be forwarded by registered mail, addressed to the corporation at its registered office. Any service so had on the secretary of state shall be returnable in not less than thirty days.

The secretary of state shall keep a record of all processes, notices and demands served upon him under this section, and shall record therein the time of such service and his action with reference thereto.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

Members.

Sec. 14. A corporation may have one or more classes of members or may have no members. If the corporation has one or more classes of members, the designation of such class or classes, the manner of election or appointment and the qualifications and rights of the members of each class shall be set forth in the articles of incorporation or the bylaws. If the corporation has no members, that fact shall be set forth in the articles of incorporation or the bylaws. A corporation may issue certificates evidencing membership therein.

Bylaws.

Sec. 15. The initial bylaws of a corporation shall be adopted by its board of directors. The power to alter, amend or repeal the bylaws or adopt new bylaws shall be vested in the board of directors unless otherwise provided in the articles of incorporation or the bylaws. The bylaws may contain any provisions for the regulation and management of the

affairs of a corporation not inconsistent with law or the articles of incorporation.

Sec. 16. Meetings of members may be held at such place, either within or without this state, as may be provided in the bylaws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this state.

Meetings of members.

An annual meeting of the members shall be held at such time as may be provided in the bylaws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation.

Special meetings of the members may be called by the president or by the board of directors. Special meetings of the members may also be called by such other officers or persons or number or proportion of members as may be provided in the articles of incorporation or the bylaws. In the absence of a provision fixing the number or proportion of members entitled to call a meeting, a special meeting of members may be called by members having one-twentieth of the votes entitled to be cast at such meeting.

Sec. 17. Written or printed notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than fifty days before the date of the meeting, either personally or by mail, by or at the direction of the president, or the secretary, or the officers or persons calling the meeting, to each member entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation, with postage thereon prepaid.

Notice of member's meetings.

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Sec. 18. The right of the members, or any class or classes of members, to vote may be limited, enlarged or denied to the extent specified in the articles of incorporation or the bylaws. Unless so limited, enlarged or denied, each member, regardless of class, shall be entitled to one vote on each matter submitted to a vote of members.

A member may vote in person or, unless the articles of incorporation or the bylaws otherwise provide, may vote by proxy executed in writing by the member or by his duly authorized attorney-in-fact. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy. Where directors or officers are to be elected by members, the bylaws may provide that such elections may be conducted by mail.

The articles of incorporation or the bylaws may provide that in all elections for directors every member entitled to vote shall have the right to cumulate his vote and to give one candidate a number of votes equal to his vote multiplied by the number of directors to be elected, or by distributing such votes on the same principle among any number of such candidates.

Voting requirements.

Sec. 19. The bylaws may provide the number or percentage of members entitled to vote represented in person or by proxy, or the number or percentage of votes represented in person or by proxy, which shall constitute a quorum at a meeting of members. In the absence of any such provision, members holding one-tenth of the votes entitled to be cast represented in person or by proxy shall constitute a quorum. The vote of a majority of the votes entitled to be cast by the members present or represented by proxy at a meeting at which a quorum is present, shall be necessary for the adoption of any matter voted upon by the members, unless a greater pro-

portion is required by this act, the articles of incorporation or the bylaws.

Sec. 20. The affairs of a corporation shall be managed by a board of directors. Directors need not be residents of this state or members of the corporation unless the articles of incorporation or the bylaws so require. The articles of incorporation or the bylaws may prescribe other qualifications for directors.

Board of directors.

Sec. 21. The number of directors of a corporation shall be not less than three. Subject to such limitation, the number of directors shall be fixed by the bylaws, except as to the number of the first board of directors which number shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment to the bylaws, unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment of the articles of incorporation. No decrease in number shall have the effect of shortening the term of any incumbent director. In the absence of a bylaw fixing the number of directors, the number shall be the same as that stated in the articles of incorporation.

Number and election of directors.

The directors constituting the first board of directors shall be named in the articles of incorporation and shall hold office until the first annual election of directors or for such other period as may be specified in the articles of incorporation or the bylaws. Thereafter, directors shall be elected or appointed in the manner and for the terms provided in the articles of incorporation or the bylaws. In the absence of a provision fixing the term of office, the term of office of a director shall be one year.

Directors may be divided into classes and the terms of office of the several classes need not be uniform. Each director shall hold office for the term

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for which he is elected or appointed and until his successor shall have been elected or appointed and qualified.

A director may be removed from office pursuant to any procedure therefor provided in the articles of incorporation.

Vacancies.

Sec. 22. Any vacancy occurring in the board of directors and any directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors unless the articles of incorporation or the bylaws provide that a vacancy or directorship so created shall be filled in some other manner, in which case such provision shall control. A director elected or appointed, as the case may be, to fill a vacancy shall be elected or appointed for the unexpired term of his predecessor in office.

Quorum.

Sec. 23. A majority of the number of directors fixed by the bylaws, or in the absence of a bylaw fixing the number of directors, then of the number stated in the articles of incorporation, shall constitute a quorum for the transaction of business, unless otherwise provided in the articles of incorporation or the bylaws; but in no event shall a quorum consist of less than one-third of the number of directors so fixed or stated. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by this act, the articles of incorporation or the bylaws.

Committees.

Sec. 24. If the articles of incorporation or the bylaws so provide, the board of directors, by resolution adopted by a majority of the directors in office, may designate and appoint one or more committees each of which shall consist of two or more directors, which committees, to the extent provided in such resolution, in the articles of incorporation or in the

bylaws of the corporation, shall have and exercise the authority of the board of directors in the management of the corporation: *Provided*, That no such committee shall have the authority of the board of directors in reference to amending, altering or repealing the bylaws; electing, appointing or removing any member of any such committee or any director or officer of the corporation; amending the articles of incorporation; adopting a plan of merger or adopting a plan of consolidation with another corporation; authorizing the sale, lease, exchange or mortgage of all or substantially all of the property and assets of the corporation; authorizing the voluntary dissolution of the corporation or revoking proceedings therefor; adopting a plan for the distribution of the assets of the corporation; or amending, altering or repealing any resolution of the board of directors which by its terms provides that it shall not be amended, altered or repealed by such committee. The designation and appointment of any such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any individual director of any responsibility imposed upon it or him by law.

Sec. 25. Meetings of the board of directors, regular or special, may be held either within or without this state, and upon such notice as the bylaws may prescribe. Attendance of a director at any meeting shall constitute a waiver of notice of such meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting.

Place and notice of director's meetings.

Sec. 26. The officers of a corporation shall consist of a president, one or more vice presidents, a

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secretary, a treasurer and such other officers and assistant officers as may be deemed necessary, each of whom shall be elected or appointed at such time and in such manner and for such terms not exceeding three years as may be prescribed in the articles of incorporation or the bylaws. In the absence of any such provision, all officers shall be elected or appointed annually by the board of directors. If the bylaws so provide, any two or more offices may be held by the same person, except the offices of president and secretary.

The articles of incorporation or the bylaws may provide that any one or more officers of the corporation shall be ex officio members of the board of directors.

The officers of a corporation may be designated by such additional titles as may be provided in the articles of incorporation or the bylaws.

Removal of officers.

Sec. 27. Any officer elected or appointed may be removed by the persons authorized to elect or appoint such officer whenever in their judgment the best interests of the corporation will be served thereby. The removal of an officer shall be without prejudice to the contract rights, if any, of the officer so removed. Election or appointment of an officer or agent shall not of itself create contract rights.

Books and records.

Sec. 28. Each corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors and committees having any of the authority of the board of directors; and shall keep at its registered office or principal office in this state a record of the names and addresses of its members entitled to vote. All books and records of a corporation may be inspected by any member, or his agent or attorney, for any proper purpose at any reasonable time.

Sec. 29. No loans shall be made by a corporation to its directors or officers. The directors of a corporation who vote for or assent to the making of a loan to a director or officer of the corporation, and any officer or officers participating in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

Loans to directors and officers prohibited.

Sec. 30. Duplicate originals of the articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the articles of incorporation conform to law, he shall, when all fees have been paid as in this act prescribed:

Filing of articles of incorporation.

(1) Endorse on each of such duplicate originals the word "Filed" and the month, day, and year of the filing thereof.

(2) File one of such duplicate originals in his office.

(3) Issue a certificate of incorporation to which he shall affix the other duplicate original.

The certificate of incorporation together with the duplicate original of the articles of incorporation affixed thereto by the secretary of state, shall be returned to the incorporators or their representative.

Sec. 31. Upon the issuance of the certificate of incorporation, the corporate existence shall begin, and such certificate of incorporation shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this act, except as against the state in a proceeding to cancel or revoke the certificate of incorporation.

Effect of issuance of certificate of incorporation.

Sec. 32. After the issuance of the certificate of incorporation an organization meeting of the board of directors named in the articles of incorporation

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shall be held, either within or without this state, at the call of a majority of the incorporators, for the purpose of adopting bylaws, electing officers and the transaction of such other business as may come before the meeting. The incorporators calling the meeting shall give at least three days' notice thereof by mail to each director so named, which notice shall state the time and place of the meeting.

A first meeting of the members may be held at the call of the directors, or a majority of them, upon at least three days' notice, for such purposes as shall be stated in the notice of the meeting.

Right to amend articles.

Sec. 33. A corporation may amend its articles of incorporation, from time to time, in any and as many respects as may be desired, so long as its articles of incorporation as amended contain only such provisions as are lawful under this act.

Procedure to amend articles.

Sec. 34. Amendments to the articles of incorporation shall be made in the following manner:

(1) Where there are members having voting rights, the board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this act for the giving of notice of meetings of members. The proposed amendment shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights, an amendment shall be adopted at a meeting of the board of directors upon

receiving the vote of a majority of the directors in office.

Any number of amendments may be submitted and voted upon at any one meeting.

Sec. 35. The articles of amendment shall be executed in duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such articles, and shall set forth:

Articles of amendment.

(1) The name of the corporation.

(2) The amendment so adopted.

(3) Where there are members having voting rights, (a) a statement setting forth the date of the meeting of members at which the amendment was adopted, that a quorum was present at such meeting, and that such amendment received at least two-thirds of the votes which members present at such meeting or represented by proxy were entitled to cast, or (b) a statement that such amendment was adopted by a consent in writing signed by all members entitled to vote with respect thereto.

(4) Where there are no members, or no members having voting rights, a statement of such fact, the date of the meeting of the board of directors at which the amendment was adopted, and a statement of the fact that such amendment received the vote of a majority of the directors in office.

Sec. 36. Duplicate originals of the articles of amendment shall be delivered to the secretary of state. If the secretary of state finds that the articles of amendment conform to law, he shall, when all fees have been paid as in this act prescribed:

Filing articles of amendment  
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(1) Endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof.

(2) File one of such duplicate originals in his office.

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(3) Issue a certificate of amendment to which he shall affix the other duplicate original.

The certificate of amendment, together with the duplicate original of the articles of amendment affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

Effect of certificate of amendment.

Sec. 37. Upon the issuance of the certificate of amendment by the secretary of state, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly.

No amendment shall affect any existing cause of action in favor of or against such corporation, or any pending action to which such corporation shall be a party, or the existing rights of persons other than members; and, in the event the corporate name shall be changed by amendment, no action brought by or against such corporation under its former name shall abate for that reason.

Procedure for merger.

Sec. 38. Any two or more domestic corporations may merge into one of such corporations pursuant to a plan of merger approved in the manner provided in this act.

Each corporation shall adopt a plan of merger setting forth:

(1) The names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(2) The terms and conditions of the proposed merger.

(3) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger.

(4) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

Sec. 39. Any two or more domestic corporations may consolidate into a new corporation pursuant to a plan of consolidation approved in the manner provided in this act.

Procedure for consolidation.

Each corporation shall adopt a plan of consolidation setting forth:

(1) The names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation.

(2) The terms and conditions of the proposed consolidation.

(3) With respect to the new corporation, all of the statements required to be set forth in articles of incorporation for corporations organized under this act.

(4) Such other provisions with respect to the proposed consolidation as are deemed necessary or desirable.

Sec. 40. A plan of merger or consolidation shall be adopted in the following manner:

Approval of merger or consolidation.

(1) Where the members of any merging or consolidating corporation have voting rights, the board of directors of such corporation shall adopt a resolution approving the proposed plan and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice setting forth the proposed plan or a summary thereof shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this act for the giving of notice of meetings of members. The proposed plan shall be adopted upon receiving at least two-thirds of the votes which members present at each such meeting or represented by proxy are entitled to cast.

(2) Where any merging or consolidating corporation has no members, or no members having vot-

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tion.

ing rights, a plan of merger or consolidation shall be adopted at a meeting of the board of directors of such corporation upon receiving the vote of a majority of the directors in office.

After such approval, and at any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation.

Articles of  
merger or  
consolidation.

Sec. 41. (1) Upon such approval, articles of merger or articles of consolidation shall be executed in duplicate by each corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers of each corporation signing such articles, and shall set forth:

(a) The plan of merger or the plan of consolidation;

(b) Where the members of any merging or consolidating corporation have voting rights, then as to each such corporation (i) a statement setting forth the date of the meeting of members at which the plan was adopted, that a quorum was present at such meeting, and that such plan received at least two-thirds of the votes which members present at such meeting or represented by proxy were entitled to cast, or (ii) a statement that such amendment was adopted by a consent in writing signed by all members entitled to vote with respect thereto;

(c) Where any merging or consolidating corporation has no members, or no members having voting rights, then as to each such corporation a statement of such fact, the date of the meeting of the board of directors at which the plan was adopted and a statement of the fact that such plan received the vote of a majority of the directors in office.

(2) Duplicate originals of the articles of merger or articles of consolidation shall be delivered to the

secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as in this act prescribed:

(a) Endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one of such duplicate originals in his office;

(c) Issue a certificate of merger or a certificate of consolidation to which he shall affix the other duplicate original.

The certificate of merger or certificate of consolidation, together with the duplicate original of the articles of merger or articles of consolidation affixed thereto by the secretary of state, shall be returned to the surviving or new corporation, as the case may be, or its representative.

Sec. 42. Upon the issuance of the certificate of merger, or the certificate of consolidation by the secretary of state, the merger or consolidation shall be effected.

Merger or consolidation  
—Time effected.

Sec. 43. When such merger or consolidation has been effected:

(1) The several corporations parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation.

(2) The separate existence of all corporations parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease.

(3) Such surviving or new corporation shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized under this act.

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—Effect of merger or consolidation.

Nonprofit Corporation Act  
—Effect of merger or consolidation.

(4) Such surviving or new corporation shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, as well of a public as of a private nature, of each of the merging or consolidating corporations; and all property, real, personal and mixed, and all debts due on whatever account, and all other choses in action, and all and every other interest, of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.

(5) Such surviving or new corporation shall thenceforth be responsible and liable for all the liabilities and obligations of each of the corporations so merged or consolidated; and any claim existing or action or proceeding pending by or against any of such corporations may be prosecuted as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place. Neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such merger or consolidation.

(6) In the case of a merger, the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its articles of incorporation are stated in the plan of merger; and, in the case of a consolidation, the statements set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations organized under this act shall be deemed to be the articles of incorporation of the new corporation.

Sec. 44. A sale, lease, exchange, mortgage, pledge or other disposition of all, or substantially all, the

property and assets of a corporation may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares of any corporation for profit, domestic or foreign, as may be authorized in the following manner:

Sale, lease, exchange, or mortgage of assets.

(1) Where there are members having voting rights, the board of directors shall adopt a resolution recommending such sale, lease, exchange, mortgage, pledge or other disposition and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the sale, lease, exchange, mortgage, pledge or other disposition of all, or substantially all, the property and assets of the corporation shall be given to each member entitled to vote at such meeting, within the time and in the manner provided by this act for the giving of notice of meetings of members. At such meeting the members may authorize such sale, lease, exchange, mortgage, pledge or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast. After such authorization by a vote of members, the board of directors, nevertheless, in its discretion, may abandon such sale, lease, exchange, mortgage, pledge or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by members.

(2) Where there are no members, or no members having voting rights, a sale, lease, exchange, mortgage, pledge or other disposition of all, or sub-

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stantially all, the property and assets of a corporation shall be authorized upon receiving the vote of a majority of the directors in office.

Voluntary dissolution.

Sec. 45. A corporation may dissolve and wind up its affairs in the following manner:

(1) Where there are members having voting rights, the board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolving the corporation, shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this act for the giving of notice of meetings of members. A resolution to dissolve the corporation shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights, the dissolution of the corporation shall be authorized at a meeting of the board of directors upon the adoption of a resolution to dissolve by the vote of a majority of the directors in office.

Upon the adoption of such resolution by the members, or by the board of directors where there are no members or no members having voting rights, the corporation shall cease to conduct its affairs except in so far as may be necessary for the winding up thereof, shall immediately cause a notice of the proposed dissolution to be mailed to each known creditor of the corporation, and shall proceed to collect its assets and apply and distribute them as provided in this act.

Sec. 46. The assets of a corporation in the process of dissolution shall be applied and distributed as follows: Distribution of assets.

(1) All liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision shall be made therefor;

(2) Assets held by the corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution, shall be returned, transferred or conveyed in accordance with such requirements;

(3) Assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational or similar purposes, but not held upon a condition requiring return, transfer or conveyance by reason of the dissolution, shall be transferred or conveyed to one or more domestic or foreign corporations, societies or organizations engaged in activities substantially similar to those of the dissolving corporation, pursuant to a plan of distribution adopted as provided in this act;

(4) Other assets, if any, shall be distributed in accordance with the provisions of the articles of incorporation or the bylaws to the extent that the articles of incorporation or bylaws determine the distributive rights of members, or any class or classes of members, or provide for distribution to others;

(5) Any remaining assets may be distributed to such persons, societies, organizations or domestic or foreign corporations, whether for profit or not for profit, as may be specified in a plan of distribution adopted as provided in this act.

Sec. 47. A plan providing for the distribution of assets, not inconsistent with the provisions of this act, may be adopted by a corporation in the process Plan of distribution.

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of dissolution and shall be adopted by a corporation for the purpose of authorizing any transfer or conveyance of assets for which this act requires a plan of distribution, in the following manner:

Plan of distribution.

(1) Where there are members having voting rights, the board of directors shall adopt a resolution recommending a plan of distribution and directing the submission thereof to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice setting forth the proposed plan of distribution or a summary thereof shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this act for the giving of notice of meetings of members. Such plan of distribution shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights, a plan of distribution shall be adopted at a meeting of the board of directors upon receiving a vote of a majority of the directors in office.

Revocation of voluntary dissolution proceedings.

Sec. 48. A corporation may, at any time prior to the issuance of a certificate of dissolution by the secretary of state, revoke the action theretofore taken to dissolve the corporation, in the following manner:

(1) Where there are members having voting rights, the board of directors shall adopt a resolution recommending that the voluntary dissolution proceedings be revoked, and directing that the question of such revocation be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the advisa-

bility of revoking the voluntary dissolution proceedings, shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this act for the giving of notice of meetings of members. A resolution to revoke the voluntary dissolution proceedings shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights, a resolution to revoke the voluntary dissolution proceedings shall be adopted at a meeting of the board of directors upon receiving the vote of a majority of the directors in office.

Upon the adoption of such resolution by the members, or by the board of directors where there are no members or no members having voting rights, the corporation may thereupon again conduct its affairs.

Sec. 49. If voluntary dissolution proceedings have not been revoked, then when all debts, liabilities and obligations of the corporation shall have been paid and discharged, or adequate provision shall have been made therefor, and all of the remaining property and assets of the corporation shall have been transferred, conveyed or distributed in accordance with the provisions of this act, articles of dissolution shall be executed in duplicate by the corporation by its president or a vice president, and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

Articles of  
dissolution.

(1) The name of the corporation.

(2) Where there are members having voting rights, (a) a statement setting forth the date of the meeting of members at which the resolution to dissolve was adopted, that a quorum was present at such meeting, and that such resolution received at

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least two-thirds of the votes which members present at such meeting or represented by proxy were entitled to cast, or (b) a statement that such resolution was adopted by a consent in writing signed by all members entitled to vote with respect thereto.

Articles of dissolution.

(3) Where there are no members, or no members having voting rights, a statement of such fact, the date of the meeting of the board of directors at which the resolution to dissolve was adopted and a statement of the fact that such resolution received the vote of a majority of the directors in office.

(4) That all debts, obligations, and liabilities of the corporation have been paid and discharged or that adequate provision has been made therefor.

(5) That all the remaining property and assets of the corporation have been transferred, conveyed or distributed in accordance with the provisions of this act.

(6) That there are no suits pending against the corporation in any court, or that adequate provision has been made for the satisfaction of any judgment, order or decree which may be entered against it in any pending suit.

Filing articles of dissolution.

Sec. 50. Duplicate originals of such articles of dissolution shall be delivered to the secretary of state. If the secretary of state finds that such articles of dissolution conform to law, he shall, when all fees have been paid as in this act prescribed:

(1) Endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof.

(2) File one of such duplicate originals in his office.

(3) Issue a certificate of dissolution to which he shall affix the other duplicate original.

The certificate of dissolution, together with the duplicate original of the articles of dissolution affixed thereto by the secretary of state, shall be

returned to the representative of the dissolved corporation. Upon the issuance of such certificate of dissolution the existence of the corporation shall cease, except for the purpose of suits, other proceedings and appropriate corporate action by members, directors and officers as provided in this act.

Sec. 51. A corporation may be dissolved involuntarily by a decree of the superior court in an action filed by the attorney general when it is established that:

Involuntary  
dissolution.

(1) The corporation has failed to file its annual report within the time required by this act; or

(2) The corporation procured its articles of incorporation through fraud; or

(3) The corporation has continued to exceed or abuse the authority conferred upon it by law; or

(4) The corporation has failed for ninety days to appoint and maintain a registered agent in this state; or

(5) The corporation has failed for ninety days after change of its registered agent to file in the office of the secretary of state a statement of such change.

Sec. 52. The secretary of state, on or before the first day of October of each year, shall certify to the attorney general the names of all corporations which have failed to file their annual reports in accordance with the provisions of this act. He shall also certify, from time to time, the names of all corporations which have given other cause for dissolution as provided in this act, together with the facts pertinent thereto. Whenever the secretary of state shall certify the name of a corporation to the attorney general as having given any cause for dissolution, the secretary of state shall concurrently mail to the corporation at its registered office a notice that such certification has been made. Upon the receipt

Failure to file  
annual state-  
ments—Noti-  
fication to at-  
torney general.

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Failure to file annual statements—Notification to attorney general.

Venue and process.

of such certification, the attorney general shall file an action in the name of the state against such corporation for its dissolution. Every such certificate from the secretary of state to the attorney general pertaining to the failure of a corporation to file an annual report shall be taken and received in all courts as prima facie evidence of the facts therein stated. If, before action is filed, the corporation shall file its annual report, or shall appoint or maintain a registered agent as provided in this act, shall file with the secretary of state the required statement of change of registered agent, such fact shall be forthwith certified by the secretary of state to the attorney general and he shall not file an action against such corporation for such cause. If, after action is filed, the corporation shall file its annual report, or shall appoint or maintain a registered agent as provided in this act, or shall file with the secretary of state the required statement of change of registered agent, and shall pay the costs of such action, the action for such cause shall abate.

Sec. 53. Every action for the involuntary dissolution of a corporation shall be commenced by the attorney general either in the superior court of the county in which the registered office of the corporation is situated, or in the superior court of Thurston county. Summons shall issue and be served as in other civil actions. If process is returned not found, the attorney general shall cause publication to be made as in other civil cases in some newspaper published in the county where the registered office of the corporation is situated, containing a notice of the pendency of such action, the title of the court, the title of the action, and the date on or after which default may be entered. The attorney general may include in one notice the names of any number of corporations against which actions are then pending in the same court. The attorney general shall

cause a copy of such notice to be mailed to the corporation at its registered office within ten days after the first publication thereof. The certificate of the attorney general of the mailing of such notice shall be prima facie evidence thereof. Such notice shall be published at least once each week for two successive weeks, and the first publication thereof may begin at any time after the summons has been returned. Unless a corporation shall have been served with summons, no default shall be taken against it earlier than thirty days after the first publication of such notice.

Sec. 54. Superior courts shall have full power to liquidate the assets and affairs of a corporation:

Jurisdiction of court to liquidate assets and affairs of corporation.

(1) In an action by a member or director when it is made to appear:

(a) That the directors are deadlocked in the management of the corporate affairs and that irreparable injury to the corporation is being suffered or is threatened by reason thereof, and either that the members are unable to break the deadlock or there are no members having voting rights; or

(b) That the acts of the directors or those in control of the corporation are illegal, oppressive or fraudulent; or

(c) That the corporate assets are being misapplied or wasted; or

(d) That the corporation is unable to carry out its purposes.

(2) In an action by a creditor:

(a) When the claim of the creditor has been reduced to judgment and an execution thereon has been returned unsatisfied and it is established that the corporation is insolvent; or

(b) When the corporation has admitted in writing that the claim of the creditor is due and owing and it is established that the corporation is insolvent.

(3) Upon application by a corporation to have its dissolution continued under the supervision of the court.

(4) When an action has been filed by the attorney general to dissolve a corporation and it is established that liquidation of its affairs should precede the entry of a decree of dissolution.

Proceedings under subsections (1), (2), or (3) of this section shall be brought in the county in which the registered office or the principal office of the corporation is situated.

It shall not be necessary to make directors or members parties to any such action or proceedings unless relief is sought against them personally.

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Procedure in liquidation of corporation by court.

Sec. 55. In proceedings to liquidate the assets and affairs of a corporation the court shall have the power to issue injunctions, to appoint a receiver or receivers pendente lite, with such powers and duties as the court, from time to time, may direct, and to take such other proceedings as may be requisite to preserve the corporate assets wherever situated, and carry on the affairs of the corporation until a full hearing can be had.

After a hearing had upon such notice as the court may direct to be given to all parties to the proceedings and to any other parties in interest designated by the court, the court may appoint a liquidating receiver or receivers with authority to collect the assets of the corporation. Such liquidating receiver or receivers shall have authority, subject to the order of the court, to sell, convey and dispose of all or any part of the assets of the corporation wherever situated, either at public or private sale. The order appointing such liquidating receiver or receivers shall state their powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings.

The assets of the corporation or the proceeds resulting from a sale, conveyance, or other disposition thereof shall be applied and distributed as follows:

(1) All costs and expenses of the court proceedings and all liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision shall be made therefor;

(2) Assets held by the corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution or liquidation, shall be returned, transferred or conveyed in accordance with such requirements;

(3) Assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational or similar purposes, but not held upon a condition requiring return, transfer or conveyance by reason of the dissolution or liquidation, shall be transferred or conveyed to one or more domestic or foreign corporations, societies or organizations engaged in activities substantially similar to those of the dissolving or liquidating corporation as the court may direct;

(4) Other assets, if any, shall be distributed in accordance with the provisions of the articles of incorporation or the bylaws to the extent that the articles of incorporation or bylaws determine the distributive rights of members, or any class or classes of members, or provide for distribution to others;

(5) Any remaining assets may be distributed to such persons, societies, organizations or domestic or foreign corporations, whether for profit or not for profit, specified in the plan of distribution adopted as provided in this act, or where no plan of distribution has been adopted, as the court may direct.

The court shall have power to allow, from time to time, as expenses of the liquidation compensation

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Procedure in liquidation of corporation by court.

to the receiver or receivers and to attorneys in the proceeding, and to direct the payment thereof out of the assets of the corporation or the proceeds of any sale or disposition of such assets.

A receiver of a corporation appointed under the provisions of this section shall have authority to sue and defend in all courts in his own name as receiver of such corporation. The court appointing such receiver shall have exclusive jurisdiction of the corporation and its property, wherever situated.

Qualifications of receivers—Bond.

Sec. 56. A receiver shall in all cases be a citizen of the United States or a corporation for profit authorized to act as receiver, which corporation may be a domestic corporation or a foreign corporation authorized to transact business in this state, and shall in all cases give such bond as the court may direct with such sureties as the court may require.

Filing of claims in liquidation proceedings.

Sec. 57. In proceedings to liquidate the assets and affairs of a corporation the court may require all creditors of the corporation to file with the clerk of the court or with the receiver, in such form as the court may prescribe, proofs under oath of their respective claims. If the court requires the filing of claims it shall fix a date, which shall be not less than four months from the date of the order, as the last day for the filing of claims, and shall prescribe the notice that shall be given to creditors and claimants of the date so fixed. Prior to the date so fixed, the court may extend the time for the filing of claims. Creditors and claimants failing to file proofs of claim on or before the date so fixed may be barred, by order of court, from participating in the distribution of the assets of the corporation.

Discontinuance of liquidation.

Sec. 58. The liquidation of the assets and affairs of a corporation may be discontinued at any time during the liquidation proceedings when it is established that cause for liquidation no longer exists.

In such event the court shall dismiss the proceedings and direct the receiver to redeliver to the corporation all its remaining property and assets.

Sec. 59. In proceedings to liquidate the assets and affairs of a corporation, when the costs and expenses of such proceedings and all debts, obligations, and liabilities of the corporation shall have been paid and discharged and all of its remaining property and assets distributed in accordance with the provisions of this act, or in case its property and assets are not sufficient to satisfy and discharge such costs, expenses, debts, and obligations, and all the property and assets have been applied so far as they will go to their payment, the court shall enter a decree dissolving the corporation, whereupon the existence of the corporation shall cease.

**Decree of  
involuntary  
dissolution.**

Sec. 60. In case the court shall enter a decree dissolving a corporation, it shall be the duty of the clerk of such court to cause a certified copy of the decree to be filed with the secretary of state. No fee shall be charged by the secretary of state for the filing thereof.

**Filing of  
decree of  
dissolution.**

Sec. 61. The dissolution of a corporation either (1) by the issuance of a certificate of dissolution by the secretary of state, or (2) by a decree of court when the court has not liquidated the assets and affairs of the corporation as provided in this act, or (3) by expiration of its period of duration, shall not take away or impair any remedy available to or against such corporation, its directors, officers, or members, 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. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name. The members, directors

**Survival of  
remedy after  
dissolution.**

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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 so as to extend its period of duration.

Admission of foreign corporations.

Sec. 62. No foreign corporation shall have the right to conduct affairs in this state until it shall have procured a certificate of authority so to do from the secretary of state. No foreign corporation shall be entitled to procure a certificate of authority under this act to conduct in this state any affairs which a corporation organized under this act is not permitted to conduct. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state or country under which such corporation is organized governing its organization and internal affairs differ from the laws of this state, and nothing in this act contained shall be construed to authorize this state to regulate the organization or the internal affairs of such corporation.

Without excluding other activities which may not constitute conducting affairs in this state, a foreign corporation shall not be considered to be conducting affairs in this state, for the purposes of this act, by reason of carrying on in this state any one or more of the following activities:

- (1) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes.
- (2) Holding meetings of its directors or members or carrying on other activities concerning its internal affairs.
- (3) Maintaining bank accounts.

(4) Creating evidences of debt, mortgages or liens on real or personal property.

(5) Securing or collecting debts due to it or enforcing any rights in property securing the same.

Sec. 63. A foreign corporation which shall have received a certificate of authority under this act shall, until a certificate of revocation or of withdrawal shall have been issued as provided in this act, enjoy the same, but no greater, rights and privileges as a domestic corporation organized for the purposes set forth in the application pursuant to which such certificate of authorization is issued; and, except as in this act otherwise provided, shall be subject to the same duties, restrictions, penalties and liabilities now or hereafter imposed upon a domestic corporation of like character.

Powers of  
foreign  
corporations.

Sec. 64. No certificate of authority shall be issued to a foreign corporation unless the corporate name of such corporation complies with the provisions of section 10 of this act.

Corporate  
name.

Sec. 65. Whenever a foreign corporation which is authorized to conduct affairs in this state shall change its name to one under which a certificate of authority would not be granted to it on application therefor, the certificate of authority of such corporation shall be suspended and it shall not thereafter conduct any affairs in this state until it has changed its name to a name which is available to it under the laws of this state.

Change of  
name by  
foreign  
corporation.

Sec. 66. A foreign corporation, in order to procure a certificate of authority to conduct affairs in this state, shall make application therefor to the secretary of state, which application shall set forth:

Application  
for certificate  
of authority.

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

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

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

(4) The address of the proposed registered office of the corporation in this state, and the name of its proposed registered agent in this state at such address.

(5) The purpose or purposes of the corporation which it proposes to pursue in conducting its affairs in this state.

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

(7) 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 conduct affairs in this state.

Filing application for certificate of authority.

Sec. 67. Duplicate originals of the application of the corporation for a certificate of authority shall be delivered to the secretary of state, together with a copy of its articles of incorporation and all amendments thereto, duly authenticated by the proper officer of the state or country under the laws of which it is incorporated.

If the secretary of state finds that such application conforms to law, he shall, when all fees have been paid as in this act prescribed:

(1) Endorse on each of such documents the word "Filed," and the month, day and year of the filing thereof.

(2) File in his office one of such duplicate originals of the application and the copy of the articles of incorporation and amendments thereto.

(3) Issue a certificate of authority to conduct affairs in this state to which he shall affix the other duplicate original application.

The certificate of authority, together with the duplicate original of the application affixed thereto

by the secretary of state, shall be returned to the corporation or its representative.

Sec. 68. Upon the issuance of a certificate of authority by the secretary of state, the corporation shall be authorized to conduct affairs in this state for those purposes set forth in its application, subject, however, to the right of this state to suspend or to revoke such authority as provided in this act.

Effect of certificate of authority.

Sec. 69. Each foreign corporation authorized to conduct affairs in this state shall have and continuously maintain in this state:

Registered office and registered agent of foreign corporation.

(1) A registered office which may be, but need not be, the same as its principal office.

(2) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, whether for profit or not for profit, or a foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this state, having an office identical with such registered office.

Sec. 70. A foreign corporation authorized to conduct affairs in this state may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state a statement setting forth:

Change of registered office or registered agent of foreign corporation.

(1) The name of the corporation.

(2) The address of its then registered office.

(3) If the address of its registered office be changed, the address to which the registered office is to be changed.

(4) The name of its then registered agent.

(5) If its registered agent be changed, the name of its successor registered agent.

(6) That the address of its registered office and the address of the office of its registered agent, as changed, will be identical.

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(7) That such change was authorized by resolution duly adopted by its board of directors.

Such statement shall be executed by the corporation by its president or a vice president, and verified by him, and delivered to the secretary of state. If the secretary of state finds that such statement conforms to the provisions of this act, he shall file such statement in his office, and upon such filing the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

Any registered agent in this state appointed by a foreign corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state who shall forthwith mail a copy thereof to the foreign corporation at its principal office in the state or country under the laws of which it is incorporated as shown by its most recent annual report. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

Service of process on foreign corporation.

Sec. 71. The registered agent so appointed by a foreign corporation authorized to conduct affairs in this state shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a foreign corporation authorized to conduct affairs in this state shall fail to appoint or maintain a registered agent in this state, or whenever any such registered agent cannot with reasonable diligence be found at the registered office, or whenever the certificate of authority of a foreign corporation shall be suspended or revoked, then the secretary of state shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the secretary of state of any such process, notice, or demand shall be made

by delivering to and leaving with him, or with any clerk having charge of the corporation department of his office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the secretary of state, he shall immediately cause one of such copies thereof to be forwarded by registered mail, addressed to the corporation at its principal office in the state or country under the laws of which it is incorporated. Any service so had on the secretary of state shall be returnable in not less than thirty days.

The secretary of state shall keep a record of all processes, notices and demands served upon him under this section, and shall record therein the time of such service and his action with reference thereto.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand, required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

Sec. 72. Whenever the articles of incorporation of a foreign corporation authorized to conduct affairs in this state are amended, such foreign corporation shall, within thirty days after such amendment becomes effective, file in the office of the secretary of state a copy of such amendment duly authenticated by the proper officer of the state or country under the laws of which it is incorporated; but the filing thereof shall not of itself enlarge or alter the purpose or purposes which such corporation is authorized to pursue in conducting its affairs in this state, nor authorize such corporation to conduct affairs in this state under any other name than the name set forth in its certificate of authority.

Amendment  
to articles of  
incorporation  
of foreign  
corporation.

Sec. 73. Whenever a foreign corporation authorized to conduct affairs in this state shall be a party

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Merger of foreign corporation authorized to conduct affairs in this state.

to a statutory merger permitted by the laws of the state or country under the laws of which it is incorporated, and such corporation shall be the surviving corporation, it shall, within thirty days after such merger becomes effective, file with the secretary of state a copy of the articles of merger duly authenticated by the proper officer of the state or country under the laws of which such statutory merger was effected; and it shall not be necessary for such corporation to procure either a new or amended certificate of authority to conduct affairs in this state unless the name of such corporation be changed thereby or unless the corporation desires to pursue in this state other or additional purposes than those which it is then authorized to pursue in this state.

Amended certificate of authority.

Sec. 74. A foreign corporation authorized to conduct affairs in this state shall procure an amended certificate of authority in the event it changes its corporate name, or desires to pursue in this state other or additional purposes than those set forth in its prior application for a certificate of authority, by making application therefor to the secretary of state.

The requirements in respect to the form and contents of such application, the manner of its execution, the filing of duplicate originals thereof with the secretary of state, the issuance of an amended certificate of authority and the effect thereof, shall be the same as in the case of an original application for a certificate of authority.

Withdrawal of foreign corporation.

Sec. 75. A foreign corporation authorized to conduct affairs in this state may withdraw from this state upon procuring from the secretary of state a certificate of withdrawal. In order to procure such certificate of withdrawal, such foreign corporation shall deliver to the secretary of state an application for withdrawal, which shall set forth:

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

(2) That the corporation is not conducting affairs in this state.

(3) That the corporation surrenders its authority to conduct affairs in this state.

(4) That the corporation revokes the authority of its registered agent in this state to accept service of process and consents that service of process in any action, suit or proceeding based upon any cause of action arising in this state during the time the corporation was authorized to conduct affairs in this state may thereafter be made on such corporation by service thereof on the secretary of state.

(5) A post office address to which the secretary of state may mail a copy of any process against the corporation that may be served on him.

The application for withdrawal shall be made on forms prescribed and furnished by the secretary of state and shall be executed by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing the application, or, if the corporation is in the hands of a receiver or trustee, shall be executed on behalf of the corporation by such receiver or trustee and verified by him.

Sec. 76. Duplicate originals of such application for withdrawal shall be delivered to the secretary of state. If the secretary of state finds that such application conforms to the provisions of this act, he shall, when all fees have been paid as in this act prescribed:

Filing of application for withdrawal.

(1) Endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof.

(2) File one of such duplicate originals in his office.

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(3) Issue a certificate of withdrawal to which he shall affix the other duplicate original.

The certificate of withdrawal, together with the duplicate original of the application for withdrawal affixed thereto by the secretary of state, shall be returned to the corporation or its representative. Upon the issuance of such certificate of withdrawal, the authority of the corporation to conduct affairs in this state shall cease.

Revocation of certificate of authority.

Sec. 77. The certificate of authority of a foreign corporation to conduct affairs in this state may be revoked by the secretary of state upon the conditions prescribed in this section when:

(1) The corporation has failed to file its annual report within the time required by this act, or has failed to pay any fees or penalties prescribed by this act when they have become due and payable; or

(2) The corporation has failed to appoint and maintain a registered agent in this state as required by this act; or

(3) The corporation has failed, after change of its registered agent, to file in the office of the secretary of state a statement of such change as required by this act; or

(4) 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 act; or

(5) The certificate of authority of the corporation was procured through fraud practiced upon the state; or

(6) The corporation has continued to exceed or abuse the authority conferred upon it by this act; or

(7) A misrepresentation has been made of any material matter in any application, report, affidavit, or other document submitted by such corporation pursuant to this act.

No certificate of authority of a foreign corporation shall be revoked by the secretary of state unless he shall have given the corporation not less than sixty days' notice thereof by mail addressed to its registered office in this state, and the corporation shall fail prior to revocation to file such annual report, or pay such fees or penalties, or file the required statement of change of registered agent, or file such articles of amendment or articles of merger, or correct such misrepresentation.

Sec. 78. Upon revoking any such certificate of authority, the secretary of state shall:

Issuance of certificate of revocation.

- (1) Issue a certificate of revocation in duplicate.
- (2) File one of such certificates in his office.
- (3) Mail to such corporation at its registered office in this state a notice of such revocation accompanied by one of such certificates.

Upon the issuance of such certificate of revocation, the authority of the corporation to conduct affairs in this state shall cease.

Sec. 79. No foreign corporation which is conducting affairs in this state without a certificate of authority shall be permitted to maintain any action, suit or proceeding in any court of this state until such corporation shall have obtained a certificate of authority. Nor shall any action, suit or proceeding be maintained in any court of this state by any successor or assignee of such corporation on any right, claim or demand arising out of the conduct of affairs by such corporation in this state, until a certificate of authority shall have been obtained by such corporation or by a corporation which has acquired all or substantially all of its assets.

Conducting affairs without certificate of authority.

The failure of a foreign corporation to obtain a certificate of authority to conduct affairs in this state shall not impair the validity of any contract or act of such corporation, and shall not prevent such

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corporation from defending any action, suit or proceeding in any court of this state.

Sec. 80. Each domestic corporation, and each foreign corporation authorized to conduct affairs in this state, shall file, within the time prescribed by this act, an annual report setting forth:

Annual report of domestic and foreign corporations.

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

(2) The address of the registered office of the corporation in this state including street and number and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(3) A brief statement of the character of the affairs which the corporation is actually conducting, or, in the case of a foreign corporation, which the corporation is actually conducting in this state.

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

The information shall be given as of the date of the execution of the report. It shall be executed by the corporation by its president, a vice president, secretary, an assistant secretary, or treasurer, and verified by the officer executing the report, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation and verified by such receiver or trustee.

Filing annual report.

Sec. 81. Such annual report of a domestic or foreign corporation shall be delivered to the secretary of state between the first day of January and the first day of March of each year, except that the first annual report of a domestic or foreign corporation shall be filed between the first day of January and the first day of March of the year next succeed-

ing the calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was issued by the secretary of state. Proof to the satisfaction of the secretary of state that prior to the first day of March such report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed a compliance with this requirement. If the secretary of state finds that such report conforms to the requirements of this act, he shall file the same. If he finds that it does not so conform, he shall promptly return the same to the corporation for any necessary corrections, in which event the penalties hereinafter prescribed for failure to file such report within the time hereinabove provided shall not apply, if such report is corrected to conform to the requirements of this act and returned to the secretary of state in sufficient time to be filed prior to the first day of April of the year in which it is due.

Sec. 82. The secretary of state shall charge and collect for:

Fees for filing documents and issuing certificates.

(1) Filing articles of incorporation and issuing a certificate of incorporation, twenty dollars.

(2) Filing articles of amendment and issuing a certificate of amendment, ten dollars.

(3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, ten dollars.

(4) Filing a statement of change of address of registered office or change of registered agent, or both, one dollar.

(5) Filing articles of dissolution, five dollars.

(6) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, twenty dollars.

(7) Filing an application of a foreign corporation for an amended certificate of authority to con-

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duct affairs in this state and issuing an amended certificate of authority, five dollars.

(8) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this state, ten dollars.

(9) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this state, ten dollars.

(10) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five dollars.

(11) Filing a certificate by a foreign corporation of the appointment of a resident agent, ten dollars.

(12) Filing a certificate by a foreign corporation of the revocation of the appointment of a resident agent, ten dollars.

(13) Filing any other statement or report, including an annual report, of a domestic or foreign corporation, one dollar.

Secretary of state—Fees and charges.

Sec. 83. The secretary of state shall charge and collect:

(1) For furnishing a certified copy of any document, instrument, or paper relating to a corporation, fifty cents per page and two dollars for the certificate and affixing the seal thereto.

(2) At the time of any service of process on him as resident agent of a corporation, two dollars, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

Disposition of fees.

Sec. 84. Any money received by the secretary of state under the provisions of this act shall be by him paid into the state treasury as provided by law.

Penalties.

Sec. 85. Each corporation, domestic or foreign, that fails or refuses to file its annual report for any

year within the time prescribed by this act shall be subject to a penalty of five dollars to be assessed by the secretary of state.

Each corporation, domestic or foreign, that fails or refuses to answer truthfully and fully within the time prescribed by this act interrogatories propounded by the secretary of state in accordance with the provisions of this act, shall be deemed to be guilty of a misdemeanor and upon conviction thereof may be fined in any amount not exceeding five hundred dollars.

Sec. 86. Each director and officer of a corporation, domestic or foreign, who fails or refuses within the time prescribed by this act to answer truthfully and fully interrogatories propounded to him by the secretary of state in accordance with the provisions of this act, or who signs any articles, statement, report, application or other document filed with the secretary of state which is known to such officer or director to be false in any material respect, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof may be fined in any amount not exceeding five hundred dollars.

Penalties imposed upon directors and officers.

Sec. 87. The secretary of state may propound to any corporation, domestic or foreign, subject to the provisions of this act, and to any officer or director thereof, such interrogatories as may be reasonably necessary and proper to enable him to ascertain whether such corporation has complied with all the provisions of this act applicable to such corporation. Such interrogatories shall be answered within thirty days after the mailing thereof, or within such additional time as shall be fixed by the secretary of state, and the answers thereto shall be full and complete and shall be made in writing and under oath. If such interrogatories be directed to an individual they shall be answered by him, and if directed to a

Interrogatories by secretary of state.

Uniform Business Corporation Act.

corporation they shall be answered by the president, vice president, secretary or assistant secretary thereof. The secretary of state need not file any document to which such interrogatories relate until such interrogatories be answered as herein provided, and not then if the answers thereto disclose that such document is not in conformity with the provisions of this act. The secretary of state shall certify to the attorney general, for such action as the attorney general may deem appropriate, all interrogatories and answers thereto which disclose a violation of any of the provisions of this act. The provisions of this section shall not apply to a domestic or foreign corporation which, by declaration, order or ruling of the Internal Revenue Service of the United States government is exempt from the obligation to file income tax return.

Confidential nature of information disclosed by interrogatories.

Sec. 88. Interrogatories propounded by the secretary of state and the answers thereto shall not be open to public inspection nor shall the secretary of state disclose any facts or information obtained therefrom except in so far as his official duty may require the same to be made public or in the event such interrogatories or the answers thereto are required for evidence in any criminal proceedings or in any other action by this state.

Powers of secretary of state.

Sec. 89. The secretary of state shall have the power and authority reasonably necessary to enable him to administer this act efficiently and to perform the duties therein imposed upon him.

Appeal from secretary of state.

Sec. 90. If the secretary of state shall fail to approve any articles of incorporation, amendment, merger, consolidation or dissolution, or any other document required by this act to be approved by the secretary of state before the same shall be filed in his office, he shall, within ten days after the delivery thereof to him, give written notice of his disapproval

to the person or corporation, domestic or foreign, delivering the same, specifying the reasons therefor. From such disapproval such person or corporation may appeal to the superior court of the county in which the registered office of such corporation is, or is proposed to be, situated by filing with the clerk of such court a petition setting forth a copy of the articles or other document sought to be filed and a copy of the written disapproval thereof by the secretary of state; whereupon the matter shall be tried de novo by the court, and the court shall either sustain the action of the secretary of state or direct him to take such action as the court may deem proper.

If the secretary of state shall revoke the certificate of authority to conduct affairs in this state of any foreign corporation, pursuant to the provisions of this act, such foreign corporation may likewise appeal to the superior court of the county where the registered office of such corporation in this state is situated, by filing with the clerk of such court a petition setting forth a copy of its certificate of authority to conduct affairs in this state and a copy of the notice of revocation given by the secretary of state; whereupon the matter shall be tried de novo by the court, and the court shall either sustain the action of the secretary of state or direct him to take such action as the court may deem proper.

Appeals from all final orders and judgments entered by the superior court under this section in review of any ruling or decision of the secretary of state may be taken as in other civil actions.

Sec. 91. All certificates issued by the secretary of state in accordance with the provisions of this act, and all copies of documents filed in his office in accordance with the provisions of this act when certified by him, shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the facts therein stated. A certi-

Certificates  
and certified  
copies to be  
received in  
evidence.

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ificate by the secretary of state under the great seal of this state, as to the existence or nonexistence of the facts relating to corporations which would not appear from a certified copy of any of the foregoing documents or certificates shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the existence or nonexistence of the facts therein stated.

Greater voting requirements.

Sec. 92. Whenever, with respect to any action to be taken by the members or directors of a corporation, the articles of incorporation require the vote or concurrence of a greater proportion of the members or directors, as the case may be, then required by this act with respect to such action, the provisions of the articles of incorporation shall control.

Waiver of notice.

Sec. 93. Whenever any notice is required to be given to any member or director of a corporation under the provisions of this act or under the provisions of the articles of incorporation or bylaws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

Action by members or directors without a meeting.

Sec. 94. Any action required by this act to be taken at a meeting of the members or directors of a corporation, or any action which may be taken at a meeting of the members or directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members entitled to vote with respect to the subject matter thereof, or all of the directors, as the case may be.

Such consent shall have the same force and effect as a unanimous vote, and may be stated as such in any articles or document filed with the secretary of state under this act.

Sec. 95. 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.

Unauthorized assumption of corporate powers.

Sec. 96. Any corporation existing on the date when this act takes effect shall continue to exist as a corporation despite any provision of this act changing the requirements for forming a corporation or repealing or amending the law under which it was formed. The provisions of this act shall, however, apply prospectively to the fullest extent permitted by the Constitutions of the United States and the state of Washington to all existing corporations organized under any general act of the territory or the state of Washington providing for the organization of corporations for a purpose or purposes for which a corporation might be organized under this act. The repeal of any prior act or part thereof by this act shall not affect any right accrued or any liability or penalty incurred, under the provisions of such act, prior to the repeal thereof. The repeal of a prior act or acts by this act shall not affect any existing corporation organized for a purpose or purposes other than those for which a corporation might be organized under this act.

Savings.

Sec. 97. If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this act so adjudged to be invalid or unconstitutional.

Severability.

Sec. 98. The secretary of state shall notify all existing nonprofit corporations thirty days prior to the effective date of this act of the provisions herein requiring an annual report. If such notification to

Notice to existing corporations.

Uniform Business Corporation Act.

any corporation from the secretary of state is returned unclaimed the corporation shall be dissolved by striking the name of such corporation from the records on file in the office of the secretary of state.

Corporations may be reinstated upon paying a five dollar fee in addition to any other fees that may be due or owing the secretary of state and filing its annual report.

**Effective date.** Sec. 99. This act shall become effective July 1, 1969.

**Repeal.** Sec. 100. The following acts or parts of acts, except in so far as may be applicable to the rights, powers and duties of persons and corporations not subject to the provisions of this act, are hereby repealed:

- (1) Chapter 110, Laws of 1961;
- (2) Section 6, chapter 12, Laws of 1959;
- (3) Section 3, chapter 263, Laws of 1959;
- (4) Chapter 32, Laws of 1955;
- (5) Chapter 121, Laws of 1953;
- (6) Chapter 249, Laws of 1947;
- (7) Chapter 122, Laws of 1943;
- (8) Chapter 89, Laws of 1933;
- (9) Section 2, chapter 63, Laws of 1925 extraordinary session;
- (10) Chapter 8, Laws of 1923;
- (11) Chapter 75, Laws of 1907;
- (12) Chapter 134, Laws of 1907;
- (13) Chapter 125, Laws of 1905;
- (14) Page 24, chapter XIX (19), Laws of 1895;
- (15) Page 348, chapter CXXXV (135), Laws of 1895;
- (16) Chapter CLVIII (158), Laws of 1895;
- (17) Section 1, page 86, Laws of 1886;
- (18) Sections 2450 through 2454, Code of 1881;
- (19) Pages 409 through 411, Laws of 1873;
- (20) Pages 341 and 342, Laws of 1869;

- (21) Pages 67 and 68, Laws of 1866; and  
 (22) RCW sections 24.01.010, 24.04.010 through 24.04.170, 24.08.010 through 24.08.900, and 24.16.010 through 24.16.140.

Passed the Senate March 5, 1967.

Passed the House March 4, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 236.

[Senate Bill No. 505.]

### PUBLIC STADIUM FACILITIES.

AN ACT relating to public recreation, sports and culture; establishing a stadium commission; levying taxes; amending section 82.02.020, chapter 15, Laws of 1961 and RCW 82.02.020; and amending section 8, chapter 15, Laws of 1965 and RCW 67.28.900; adding new sections to chapter 67.28 RCW; repealing sections 1 through 7, chapter 15, Laws of 1965 and RCW 67.28.010 through 67.28.070.

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

Section 1. "Municipality" as used in this act means any county, city or town of the state of Washington.

Public stadium facilities—  
Definitions.

"Person" as used in this act means the federal government or any agency thereof, the state or any agency, subdivision, taxing district or municipal corporation thereof other than county, city or town, any private corporation, partnership, association, or individual.

Sec. 2. There is created a stadium commission to consist of six members to be selected as follows:

Public stadium facilities—  
Stadium commission.

The governor shall appoint a chairman and one other member of the commission.

Any class AA county, class A county, or first class county may within ninety days following the effective date of this act submit to the governor a

Public stadium facilities—  
Stadium commission.

request that the commission conduct a study and investigation as provided in section 3 of this act relative to the construction of a stadium within such county. Such request shall be supported by plans and other relevant information.

Within two weeks of the end of the ninety-day period, the governor and/or the two members of the commission appointed by him shall meet and consider any such requests, and shall accept that request which in their sole discretion appears to present the most feasible plan.

Thereupon, the board of county commissioners of the county whose request is accepted shall select two members from its body as members of the commission, and the mayor of the city having the largest population in such county shall appoint two members from such city's legislative body to the commission.

The commission shall meet at such time or times as may be designated either by the governor or by the chairman of the board, and shall serve without compensation. They shall receive, for time spent on the commission, per diem and mileage allowances in conformity with the amounts allowed for legislators under the provisions of RCW 44.04.120.

Stadium commission—  
Study.

Sec. 3. The commission is charged with and shall have the duty of making a complete study and investigation into the acquisition of a site for public stadium facilities, including feasibility studies in connection therewith, and shall report its findings and recommendations to the governing body of the county whose request is accepted as provided in section 2 of this act.

Employment of professional help.

Sec. 4. The commission is authorized to engage professional help including, but not limited to, (1) research and motivational study analysts, (2) cost analysis accountants, (3) professional engineers, ar-

chitects and designers, professional urban planners, and such other staff as may be necessary to carry out its duties under this act.

Sec. 5. Any municipality is authorized either individually or jointly with any other municipality, or person, or any combination thereof, to acquire by purchase, gift or grant, to lease as lessee, and to construct, install, add to, improve, replace, repair, maintain, operate and regulate the use of public stadium facilities whether located within or without such municipality, including but not limited to buildings, structures, concession and service facilities, roads, bridges, walks, ramps and other access facilities, terminal and parking facilities for private vehicles and public transportation vehicles and systems, together with all lands, properties, property rights, equipment, utilities, accessories and appurtenances necessary for such public stadium facilities, and to pay for any engineering, planning, financial, legal and professional services incident to the development and operation of such public stadium facilities.

Authority of municipalities concerning stadium facilities.

Sec. 6. Any municipality, taxing district, or municipal corporation is authorized to convey or lease any lands, properties or facilities to any other municipality for the development by such other municipality of public stadium facilities or to provide for the joint use of such lands, properties or facilities, or to participate in the financing of all or any part of the public stadium facilities on such terms as may be fixed by agreement between the respective legislative bodies without submitting the matter to the voters of such municipalities, unless the provisions of general law applicable to the incurring of municipal indebtedness shall require such submission.

Conveyance or lease—Joint use—Joint financing.

Sec. 7. The acts authorized herein are declared to be strictly for the public purposes of the municipali-

Public stadium  
facilities—  
Eminent  
domain.

ties authorized to perform same. Any municipality as defined in section 1 of this act shall have the power to acquire by condemnation and purchase any lands and property rights, both within and without its boundaries, which are necessary to carry out the purposes of this act. Such right of eminent domain shall be exercised by the legislative body of each such municipality in the manner provided by applicable general law or under chapter 8.12 RCW.

Financing—  
General obli-  
gation bonds.

Sec. 8. To carry out the purposes of this act any municipality shall have the power to issue general obligation bonds within the limitations now or hereafter prescribed by the laws of this state. Such general obligation bonds shall be authorized, executed, issued and made payable as other general obligation bonds of such municipality: *Provided*, That the governing body of such municipality may provide that such bonds mature in not to exceed forty years from the date of their issue, may provide that such bonds also be made payable from any special taxes provided for in section 11 of this act, and may provide that such bonds also be made payable from any otherwise unpledged revenue which may be derived from the ownership or operation of any properties or to establish a guaranty fund for revenue bonds issued solely for stadium facility capital purposes.

Public stadium  
facilities—  
Financing—  
Revenue  
bonds.

Sec. 9. To carry out the purposes of this act 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 section 11 of this act, 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 act, 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 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 act 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, 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 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 cove-

Public stadium  
facilities—Fi-  
nancing—Rev-  
enue bonds.

nants 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 section 11 of this act, 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, 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, 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 of any such bond may bring action against

the municipality and compel the performance of any or all of such covenants.

Sec. 10. The legislative body of any municipality owning or operating public stadium facilities acquired or developed pursuant to this act shall have power to lease to any municipality or person, or to contract for the use or operation by any municipality or person, of all or any part of the stadium facilities authorized by this act, including but not limited to parking facilities, concession facilities of all kinds and any property or property rights appurtenant to such stadium facilities, for such period and under such terms and conditions and upon such rentals, fees and charges as such legislative body may determine, and may pledge all or any portion of such rentals, fees and charges and all other revenue derived from the ownership and/or operation of stadium facilities to pay and to secure the payment of general obligation bonds and/or revenue bonds of such municipality issued for authorized public stadium purposes.

Authority to lease or contract for use of facilities.

Sec. 11. The legislative body of any class AA county is authorized to levy and collect, a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: *Provided*, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

Sales tax to finance.

Sec. 12. Any seller, as defined in RCW 82.08.010, who is required to collect any tax under section 11 of this act for any municipality shall pay over such tax to such municipality as provided in section 13

Payment of tax collected directly to municipality.

Public stadium facilities.

and such tax shall be deducted from the amount of tax such seller would otherwise be required to collect and to pay over to the tax commission under chapter 82.08 RCW.

Adoption of rules and regulations.

Sec. 13. The legislative body of any county may establish reasonable exemptions and may adopt such reasonable rules and regulations as may be necessary for the levy and collection of the taxes authorized by section 11 of this act. The tax commission shall perform the collection of such taxes on behalf of such county at no cost to such county.

Deposit of funds in special account—Use of funds.

Sec. 14. All taxes levied and collected under section 11 of this act shall be credited to a special fund in the treasury of the county imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operation of stadium facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this act, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county treasurer in any manner authorized by law.

Powers of this act are additional and supplemental.

Sec. 15. The powers and authority conferred upon municipalities under the provisions of this act shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of such municipalities.

RCW 82.02.020 amended.

Sec. 16. Section 82.02.020, chapter 15, Laws of 1961 and RCW 82.02.020 are each amended to read as follows:

Except only as expressly provided in section 11 and section 12 of this 1967 amendatory act, the state

preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature.

Sales Tax—  
State  
preemption—  
Exception.

Sec. 17. Sections 1 through 15 of this act are each added to chapter 67.28 RCW.

Codification  
instructions.

Sec. 18. Sections 1 through 7, chapter 15, Laws of 1965 and RCW 67.28.010 through 67.28.070 are each repealed.

Repeal.

Sec. 19. If any provision of this act, or its application to any municipality, person or circumstance is held invalid, the remainder of this act or the application of the provision to other municipalities, persons or circumstances is not affected.

Severability.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 237.

[Substitute Senate Bill No. 52.]

### ADMINISTRATIVE RULES AND PROCEDURE.

AN ACT relating to state government; regulating administrative rules and regulations, and administrative practice and procedure in and before state agencies; prescribing rights, remedies and duties; providing for administrative and judicial hearings and review; amending section 1, chapter 234, Laws of 1959 and RCW 34.04.010; amending section 2, chapter 234, Laws of 1959 and RCW 34.04.020; amending section 6, chapter 234, Laws of 1959 and RCW 34.04.060; amending section 9, chapter 234, Laws of 1959 and RCW 34.04.090; amending section 13, chapter 234, Laws of 1959 and RCW 34.04.130; amending section 15, chapter 234, Laws of 1959, as amended by section 1, chapter 237, Laws of 1963, and RCW 34.04.150; amending section 17, chapter 234, Laws of 1959 and RCW 34.04.910; amending section .03.07, chapter 79, Laws of 1947, as last amended by section 1, chapter 195, Laws of 1963, and RCW 48.03.070; amending section .04.01, chapter 79, Laws of 1947, as amended by section 2,

chapter 195, Laws of 1963, and RCW 48.04.010; amending section .04.04, chapter 79, Laws of 1947 and RCW 48.04.040; amending section .04.09, chapter 79, Laws of 1947 and RCW 48.04.090; amending section 6, chapter 8, Laws of 1955 extraordinary session and RCW 48.52.060; amending section 62, chapter 62, Laws of 1933 extraordinary session and RCW 66.08.150; amending section 82.32.130, chapter 15, Laws of 1961 and RCW 82.32.130; adding new sections to chapter 234, Laws of 1959 and to chapter 34.04 RCW; adding new sections to chapter 15, Laws of 1961 and to chapters 82.32 and 84.08 RCW; repealing section .02.07, chapter 79, Laws of 1947, and RCW 48.02.070; repealing section .03.08, chapter 79, Laws of 1947 and RCW 48.03.080; repealing section .04.08, chapter 79, Laws of 1947 and RCW 48.04.080; repealing section .04.10, chapter 79, Laws of 1947 and RCW 48.04.100; repealing section .04.11, chapter 79, Laws of 1947 and RCW 48.04.110; repealing section .04.12, chapter 79, Laws of 1947 and RCW 48.04.120; repealing section .04.13, chapter 79, Laws of 1947 and RCW 48.04.130; repealing section .04.15, chapter 79, Laws of 1947 and RCW 48.04.150; repealing section .17.58, chapter 79, Laws of 1947 and RCW 48.17.580; repealing section 16, chapter 197, Laws of 1961 and RCW 48.44.190; and providing an effective date.

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

RCW 34.04.010  
amended.

Section 1. Section 1, chapter 234, Laws of 1959 and RCW 34.04.010 are each amended to read as follows:

Administrative  
Procedure  
Act—  
Definitions.

For the purpose of this chapter:

(1) "Agency" means any state board, commission, department, or officer, authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches.

(2) "Rule" means any agency order, directive or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters or revokes any procedure, practice or requirement relating to agency hearings; (c) which establishes, alters or revokes any qualification or requirement relating to the enjoyment of benefits or privileges

conferred by law; (d) which establishes, alters or revokes any qualifications or standards for the issuance, suspension or revocation of licenses to pursue any commercial activity, trade or profession; or (e) which establishes, alters or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.04.080, as now or hereafter amended, or (iii) speed restrictions for motor vehicles established by the state highway commission.

(3) "Contested case" means a proceeding before an agency in which an opportunity for a hearing before such agency is required by law or constitutional right prior or subsequent to the determination by the agency of the legal rights, duties, or privileges of specific parties. Contested cases shall also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by section 23 of this 1967 amendatory act, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law or agency rules.

(4) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or any form of permission required by law, including agency rule, to engage in any activity, but does not include a license required solely for revenue purposes.

(5) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or modification of a license.

RCW 34.04.020 amended.

Sec. 2. Section 2, chapter 234, Laws of 1959 and RCW 34.04.020 are each amended to read as follows:

Administrative Procedure Act—Adoption of rules of practice and procedure—Records of decisions, orders and opinions open to public—Exceptions—Effect of failure to comply.

In addition to other rule-making requirements imposed by law:

(1) Each agency shall adopt rules governing the formal and informal procedures prescribed or authorized by this chapter and rules of practice before the agency, together with forms and instructions: *Provided*, That section 12 of this 1967 amendatory act shall apply to agencies which have not adopted comprehensive rules of practice and procedure, in accordance with the provisions of this chapter, prior to July 1, 1967.

(2) To assist interested persons dealing with it, each agency shall adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information and make submissions or requests. No person shall be required to comply with agency procedure not adopted as a rule as herein required.

(3) To the extent not prohibited by federal law or regulation, nor prohibited for reasons of confidentiality by state law, each agency shall keep on file for public inspection all final orders, decisions and opinions in contested cases and any digest or index to those orders, decisions or opinions prepared by the agency for its own use. No agency order, decision or opinion is valid or effective against any person, nor may it be invoked by the agency for any purpose, unless it is available for public inspection as herein required. This provision is not applicable in favor of any person who has actual knowledge thereof.

New section.

Sec. 3. There is added to chapter 234, Laws of 1959 and to chapter 34.04 RCW, a new section to read as follows:

(1) Prior to the adoption, amendment or repeal of any rule, each agency shall:

Notice of intention to adopt rules—  
Opportunity to submit data  
—Effect of noncompliance.

(a) Give at least twenty days notice of its intended action by filing the notice with the code reviser, mailing the notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings, and giving public notice as provided in RCW 42.32.010, as now or hereafter amended. Such notice shall include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon.

(b) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(2) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, or, if an emergency rule designated as such, adopted in substantial compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of this section, or of RCW 34.04.030, as now or hereafter amended,

after two years have elapsed from the effective date of the rule.

New section.

Sec. 4. There is added to chapter 234, Laws of 1959 and to chapter 34.04 RCW a new section to read as follows:

Administrative Procedure Act—Failure to give notice—Effect.

When twenty days notice of intended action to adopt, amend or repeal a rule has not been filed with the code reviser, as required in section 3 of this 1967 amendatory act, the code reviser shall not publish such rule and such rule shall not be effective for any purpose.

RCW 34.04.060 amended.

Sec. 5. Section 6, chapter 234, Laws of 1959 and RCW 34.04.060 are each amended to read as follows:

Petition for adoption, amendment, repeal of rules—Agency action.

Any interested person may petition an agency requesting the promulgation, amendment, or repeal of any rule. Each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition. Within thirty days after submission of a petition, or at the next meeting of the agency if it does not meet within thirty days, the agency shall formally consider the petition and shall within thirty days thereafter either deny the petition in writing (stating its reasons for the denial) or initiate rule-making proceedings in accordance with section 3 of this 1967 amendatory act.

RCW 34.04.130 amended.

Sec. 6. Section 13, chapter 234, Laws of 1959 and RCW 34.04.130 are each amended to read as follows:

Administrative Procedure Act—Contested cases—Judicial review.

(1) Any person aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to judicial review thereof only under the provisions of this 1967 amendatory act, and such person may not use any other procedure to obtain judicial review of a final decision, even though another procedure is provided elsewhere by a special statute or a statute of general application. Where the agency's rules pro-

vide a procedure for rehearing or reconsideration, and that procedure has been invoked, the agency decision shall not be final until the agency shall have acted thereon.

(2) Proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located. All petitions shall be filed within thirty days after the service of the final decision of the agency. Copies of the petition shall be served upon the agency and all other parties of record. The court, in its discretion, may permit other interested persons to intervene.

(3) The filing of the petition shall not stay enforcement of the agency decision. Where other statutes provide for stay or supersedeas of an agency decision, it may be stayed by the agency or the reviewing court only as provided therein; otherwise the agency may do so, or the reviewing court may order a stay upon such terms as it deems proper.

(4) Within thirty days after service of the petition, or within such further time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; but, by stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(5) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, not shown in the rec-

Administrative Procedure Act—Contested cases—Judicial review.

ord, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

(6) The court may affirm the decision of the agency or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional provisions; or
- (b) in excess of the statutory authority or jurisdiction of the agency; or
- (c) made upon unlawful procedure; or
- (d) affected by other error of law; or
- (e) clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order; or
- (f) arbitrary or capricious.

RCW 34.04.150 amended.

Sec. 7. Section 15, chapter 234, Laws of 1959, as amended by section 1, chapter 237, Laws of 1963, and RCW 34.04.150 are each amended to read as follows:

Exclusions from chapter or parts of chapter.

This chapter shall not apply to the state militia, or the board of prison terms and paroles. The provisions of RCW 34.04.090 through 34.04.130 shall not apply to the board of industrial insurance appeals or the state tax commission unless an election is made pursuant to section 18 or 19 of this 1967 amendatory act. All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act.

**NOTE:** See also section 1, chapter 71, Laws of 1967 ex. sess.

New section.

Sec. 8. There is added to chapter 234, Laws of 1959 and to chapter 34.04 RCW a new section to read as follows:

(1) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, an existing full, temporary, or provisional license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

Provisions applicable to licenses and licensing.

(2) No revocation, suspension, annulment, modification, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given reasonable opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

Sec. 9. Section 9, chapter 234, Laws of 1959 and RCW 34.04.090 are each amended to read as follows:

RCW 34.04.090 amended.

(1) In any contested case all parties shall be afforded an opportunity for hearing after not less than twenty days' notice; but no hearing shall be required until the hearing is demanded unless other statutory provisions or agency rules provide otherwise. The notice shall include:

Administrative Procedure Act—Contested cases—Notice—Hearing—Informal disposition—Record—Findings of fact—Agency's powers.

(a) a statement of the time, place and nature of the proceeding;

(b) a statement of the legal authority and jurisdiction under which the hearing is to be held;

(c) a reference to the particular sections of the statutes and rules involved;

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 ing—Informal  
 disposition—  
 Record—Find-  
 ings of fact—  
 Agency's  
 powers.

(d) a short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon request a more definite and detailed statement shall be furnished.

(2) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

(3) Unless precluded by law, informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order, or default.

(4) The record in a contested case shall include:

- (a) all pleadings, motions, intermediate rulings;
- (b) evidence received or considered;
- (c) a statement of matters officially noticed;
- (d) questions and offers of proof, objections, and ruling thereon;
- (e) proposed findings and exceptions;
- (f) any decision, opinion, or report by the officer presiding at the hearing;

(5) Oral proceedings shall be transcribed for the purposes of agency decision pursuant to RCW 34.04.110, as now or hereafter amended, rehearing, or court review. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of the reasonable costs thereof.

(6) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(7) Each agency shall adopt appropriate rules of procedure for notice and hearing in contested cases.

- (8) Agencies, or their authorized agents, may
  - (a) administer oaths and affirmations, examine

witnesses, and receive evidence, and no person shall be compelled to divulge information which he could not be compelled to divulge in a court of law,

(b) issue subpoenas as provided in section 10 of this 1967 amendatory act,

(c) rule upon offers of proof and receive relevant evidence,

(d) take or cause depositions to be taken pursuant to rules promulgated by the agency, and no person shall be compelled to divulge information which he could not be compelled to divulge by deposition in connection with a court proceeding,

(e) regulate the course of the hearing,

(f) hold conferences for the settlement or simplification of the issues by consent of the parties,

(g) dispose of procedural requests or similar matters,

(h) make decisions or proposals for decisions pursuant to RCW 34.04.110,

(i) take any other action authorized by agency rule consistent with this chapter.

Sec. 10. There is added to chapter 234, Laws of 1959 and to chapter 34.04 RCW a new section to read as follows:

New section.

(1) In order to determine the necessity or desirability of adopting, amending, repealing, or otherwise revising a rule or proposed rule, agencies may hold public hearings, subpoena witnesses, administer oaths, take the testimony of any person under oath, and in connection therewith, require the production for examination of any books or papers relating to the subject matter of contemplated regulation. Each agency may make rules as to the issuance of subpoenas by the agency or its authorized agents. This subsection shall not preclude the exercise of subpoena powers for investigative purposes granted agencies by other statutory provisions.

Agency hearings and contested cases.

(2) In any contested case after service of notice

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Act—Agency  
hearing and  
contested  
cases.

as required in RCW 34.04.090(1), as now or hereafter amended, agencies, their authorized agents, and hearing examiners hearing the case:

(a) Shall issue a subpoena upon the request of any party and, to the extent required by agency rule, upon a statement showing general relevance and reasonable scope of the evidence sought: *Provided, however,* That such subpoena may be issued with like effect by the attorney of record of the party to the contested case in whose behalf the witness is required to appear, and the form of such 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 such attorney;

(b) May issue a subpoena upon their own motion.

(3) The subpoena powers created by this section shall be state-wide in effect.

(4) Witnesses in an agency hearing or contested case shall be paid the same fees and allowances, in the same manner and under the same conditions, as provided for witnesses in the courts of this state by chapter 2.40 RCW and by RCW 5.56.010, as now or hereafter amended: *Provided,* That the agency shall have the power to fix the allowance for meals and lodging in like manner as is provided in RCW 5.56.010, as now or hereafter amended, as to courts. Such fees and allowances, and the cost of producing records required to be produced by agency subpoena, shall be paid by the agency or, in a contested case, by the party requesting the issuance of the subpoena.

(5) If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under examination or investigation at the hearing, the agency or attorney issuing the subpoena may petition the superior court of the county where the hearing is being con-

ducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the agency. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant, and in the case of a rule-making hearing that the requested appearance and testimony are necessary to secure information the expected nature of which would reasonably tend to cause the agency to exercise its rule-making authority, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court.

Sec. 11. There is added to chapter 234, Laws of 1959 and to chapter 34.04 RCW a new section to read as follows: New section.

Except upon notice and opportunity for all parties to be present or to the extent required for the disposition of ex parte matters as authorized by law, no hearing examiner or agency or member of an agency presiding in a contested case or preparing a decision, or proposal for decision shall consult with any person or party on any issue of fact or law in the proceeding, except that in analyzing and appraising the record for decision any agency member or hearing examiner may (1) consult with members

Consultation  
by agency  
officer as to  
issues.

Administrative  
Procedure  
Act.

of the agency making the decision, (2) have the aid and advice of one or more personal assistants, (3) have the assistance of other employees of the agency who have not participated in the proceeding in any manner, who are not engaged for the agency in any investigative functions in the same or any current factually related case and who are not engaged for the agency in any prosecutory functions.

New section.

Sec. 12. There is added to chapter 234, Laws of 1959 and to chapter 34.04 RCW a new section to read as follows:

Uniform  
procedural  
rules.

On or before July 1, 1967, the code reviser shall add to Title 1 of the Washington Administrative Code a new chapter to be known as chapter 1-08 WAC—Uniform Procedural Rules, which shall become effective July 1, 1967, and shall govern the administrative practice and procedure in and before all agencies which have not adopted comprehensive rules of practice and procedure prior to that date. Except for the numbering thereof, such rules shall be identical with the rules contained in WAC 308-08-010 through 308-08-590 as the same existed on January 3, 1966: *Provided*, That in publishing chapter 1-08 WAC the reviser may revise such terms as are used in chapter 308-08 WAC to describe “agency”, “department”, “board”, “commission”, and like terms, so as to enable the use of such rules by multiple agencies.

This section shall not prohibit any such agency from hereafter adopting its own rules of practice and procedure in the manner provided by this chapter, if such agency shall elect to promulgate comprehensive rules on this subject and shall, in the order of adoption, expressly negative any further applicability to such agency of the rules contained in chapter 1-08 WAC.

Sec. 13. There is added to chapter 234, Laws of 1959 and to chapter 34.04 RCW a new section to read as follows:

New section.

The code reviser may prescribe regulations for carrying out the provisions of this chapter relating to the filing and publication of rules and notices of intention to adopt rules, including the form and style to be employed by the various agencies in the drafting of such rules and notices.

Regulations on filing and form of rules and notices.

Sec. 14. There is added to chapter 234, Laws of 1959 and to chapter 34.04 RCW a new section to read as follows:

New section.

After the rules of an agency have been published by the reviser:

Style, format and numbering of rules-- Agency compliance.

(1) All agency orders amending or rescinding such rules, or creating new rules, shall be formulated in accordance with the style, format, and numbering system of the Washington Administrative Code, and

(2) Any subsequent printing or reprinting of such rules shall be printed in the style and format (including the numbering system) of such code.

Sec. 15. Section .03.07, chapter 79, Laws of 1947, as last amended by section 1, chapter 195, Laws of 1963, and RCW 48.03.070 are each amended to read as follows:

RCW 48.03.070 amended.

(1) The commissioner may take depositions, may subpoena witnesses or documentary evidence, administer oaths, and examine under oath any individual relative to the affairs of any person being examined, or relative to the subject of any hearing or investigation: *Provided*, That the provisions of section 10 of this 1967 amendatory act shall apply in lieu of the provisions of this section as to subpoenas relative to hearings in rule-making and contested case proceedings.

Administrative Procedure Act--Hearings before the insurance commissioner --Power of the commissioner.

(2) The subpoena shall be effective if served

Administrative Procedure Act—Hearings before the insurance commissioner—Power of the commissioner.

within the state of Washington and shall be served in the same manner as if issued from a court of record.

(3) Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a court of record. Witness fees, mileage, and the actual expense necessarily incurred in securing attendance of witnesses and their testimony shall be itemized, and shall be paid by the person as to whom the examination is being made, or by the person if other than the commissioner, at whose request the hearing is held.

(4) Enforcement of subpoenas shall be in accord with subsection (5) of section 10 of this 1967 amendatory act.

RCW 48.04.010 amended.

Sec. 16. Section .04.01, chapter 79, Laws of 1947, as amended by section 2, chapter 195, Laws of 1963, and RCW 48.04.010 are each amended to read as follows:

Insurance hearings.

(1) The commissioner may hold a hearing for any purpose within the scope of this code as he may deem necessary. He shall hold a hearing

(a) if required by any provision of this code, or

(b) upon written demand for a hearing made by any person aggrieved by any act, threatened act, or failure of the commissioner to act, if such failure is deemed an act under any provision of this code, or by any report, promulgation, or order of the commissioner other than an order on a hearing of which such person was given actual notice or at which such person appeared as a party, or order pursuant to the order on such hearing.

(2) Any such demand for a hearing shall specify in what respects such person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded at the hearing.

(3) Unless a person aggrieved by a written order of the commissioner demands a hearing thereon

within ninety days after receiving notice of such order, the right to such hearing shall conclusively be deemed to have been waived.

(4) The commissioner shall hold such hearing demanded within thirty days after his receipt of the demand, unless postponed by mutual consent.

Sec. 17. Section .04.04, chapter 79, Laws of 1947 and RCW 48.04.040 are each amended to read as follows: RCW 48.04.040 amended.

(1) The commissioner shall, not less than ten days in advance, give notice of a hearing to each person to be affected by the hearing. Insurance hearings —Notice.

(2) If under subsection (1) of this section notice of a hearing would be required to be given to more than one hundred persons, in lieu of the notice provided for in such paragraph and for the purposes of RCW 48.30.010 only, the commissioner may give notice of the hearing by publishing the notice in five daily newspapers at least once each week during the four weeks immediately preceding the week in which the hearing is to be held. One of such newspapers must be published in the eastern part of this state; one of such newspapers must be published in the general central or south central portion of this state; one of such newspapers must be published in the general northwestern portion of this state; one of such newspapers must be published in the general west central portion of this state, and one of such newspapers must be published in the general southwestern portion of this state.

(3) Any notice required by this section shall comply with the provisions of section 9 of this 1967 amendatory act.

Sec. 18. Section .04.09, chapter 79, Laws of 1947 and RCW 48.04.090 are each amended to read as follows: RCW 48.04.090 amended.

(1) Within thirty days after the termination of

Administrative  
Procedure  
Act—Insurance  
hearing—  
Order of the  
commissioner.

a hearing the commissioner shall make his order thereon and shall, subject to subsection (4) of this section, give a copy of the order, with accompanying findings of fact and conclusions of law, as provided in RCW 34.04.120, as now or hereafter amended.

(2) The order shall contain, in addition to the requirements of RCW 34.04.120, as now or hereafter amended:

(a) A concise statement of the action taken.

(b) The effective date of such action.

(c) A designation of the provisions of this code pursuant to which the action is taken.

(d) A concise statement of the findings of the commissioner in support of the action.

(3) An order on hearing may confirm, modify, or nullify action taken under an existing order, or may constitute the taking of any new action coming within the scope of the notice of such hearing.

(4) If notice of such hearing was given by publication as provided for in RCW 48.04.040, the commissioner may publish the order on hearing once each week for four successive weeks in the same newspapers in which such notice was published, the first such publication to be made on the date of the order. Such publication of the order on hearing shall be in lieu of the requirement that a copy of such order be given to each person as provided in subsection (1) of this section.

RCW 48.52.060  
amended.

Sec. 19. Section 6, chapter 8, Laws of 1955 extraordinary session and RCW 48.52.060 are each amended to read as follows:

Employee  
welfare trust  
funds—Hear-  
ings and  
review.

Any person aggrieved by any act, threatened act, or failure of the commissioner to act shall have the right to a hearing and review thereof as provided in chapters 34.04 and 48.04 RCW.

RCW 82.32.130  
amended.

Sec. 20. Section 82.32.130, chapter 15, Laws of 1961 and RCW 82.32.130 are each amended to read as follows:

Any notice or order required by this title to be mailed to any taxpayer shall be sent by mail, addressed to the address of the taxpayer as shown by the records of the tax commission, or, if no such address is shown, to such address as the commission is able to ascertain by reasonable effort. Failure of the taxpayer to receive such notice or order mailed shall not release the taxpayer from any tax or any increases or penalties thereon.

Taxation—  
Notices to taxpayer, method of mailing.

Sec. 21. There is added to chapter 15, Laws of 1961 and to chapter 82.32 RCW a new section to read as follows:

New section.

In a contested case arising under RCW 82.32.160 or 82.32.170, as now or hereafter amended, the taxpayer may elect, within thirty days after the date of the petition provided for in said sections, to have the contested case determined in accordance with the provisions of RCW 34.04.090 through 34.04.130, as now or hereafter amended. The election shall be made by service of written notice, in the same manner as the petition, of such election upon the tax commission. Nothing in this section shall be held to modify RCW 82.32.150, as now or hereafter amended. If such an election is made, judicial review of the tax commission decision may be obtained solely in accordance with the provisions of RCW 34.04.130, as now or hereafter amended, notwithstanding the provisions of RCW 82.32.180, as now or hereafter amended.

Taxation—  
Contested cases—Taxpayers election of procedure.

**NOTE:** See also section 2, chapter 71, Laws of 1967 ex. sess.

Sec. 22. There is added to chapter 15, Laws of 1961 and to chapter 84.08 RCW a new section to read as follows:

New section.

In a contested case arising under RCW 84.08.130 or 84.08.140, as now or hereafter amended, the taxpayer may elect, within thirty days after the date of the filing with the county auditor of the notice of appeal or the complaint provided for in said sec-

Administrative Procedure Act—Taxation—Taxpayer election of procedure.

Administrative  
Procedure  
Act—Taxation  
—Taxpayer  
election of  
procedure.

tions, to have the contested case determined in accordance with the provisions of RCW 34.04.090 through 34.04.130, as now or hereafter amended. The election shall be made by service of written notice, in the same manner as written notice would be served under section 21 of this 1967 amendatory act, of such election upon the tax commission. Upon receipt of such notice, the commission shall promptly notify both the county and the taxpayer that such election has been made.

**NOTE: See also section 2, chapter 71, Laws of 1967 ex. sess.**

RCW 66.08.150  
amended.

Sec. 23. Section 62, chapter 62, Laws of 1933 extraordinary session and RCW 66.08.150 are each amended to read as follows:

Liquor control  
board—Actions  
relating to  
licenses—Op-  
portunity for  
hearing.

The action, order or decision of the board as to any denial of an application for the reissuance of a permit or license or as to any revocation, suspension, or modification of any permit or license shall be a contested case and subject to the applicable provisions of chapter 34.04 RCW as amended by this 1967 amendatory act.

(1) An opportunity for a hearing may be provided an applicant for the reissuance of a permit or license prior to the disposition of the application, and if no such opportunity for a prior hearing is provided then an opportunity for a hearing to reconsider the application must be provided the applicant.

(2) An opportunity for a hearing must be provided a permittee or licensee prior to a revocation or modification of any permit or license and, except as provided in subsection (4) of this section, prior to the suspension of any permit or license.

(3) No hearing shall be required until demanded by the applicant, permittee, or licensee.

(4) The board may summarily suspend a license or permit for a period of up to thirty days without a prior hearing if it finds that public health, safety or welfare imperatively require emergency

action, and incorporates a finding to that effect in its order; and proceedings for revocation or other action must be promptly instituted and determined.

Sec. 24. There is added to chapter 234, Laws of 1959 and to chapter 34.04 RCW a new section to read as follows:

New section.

Nothing in the Administrative Procedure Act shall be held to diminish the constitutional rights of any person or to limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, all requirements or privileges relating to evidence or procedure shall apply equally to agencies and persons. Every agency is granted all authority necessary to comply with the requirements of the Administrative Procedure Act through the issuance of rules or otherwise. No subsequent legislation shall be held to supersede or modify the provisions of the Administrative Procedure Act or its applicability to any agency except to the extent that such legislation shall do so expressly.

Savings—Authority of agencies to comply with chapter—Effect of subsequent legislation.

Sec. 25. Section 17, chapter 234, Laws of 1959 and RCW 34.04.910 are each amended to read as follows:

RCW 34.04.910 amended.

All acts or parts of acts, whether special or comprehensive in nature, which are inconsistent with the provisions of this chapter, whether in the review procedures which they establish or otherwise, are hereby repealed, but such repeal shall not affect pending proceedings.

General repeal and savings.

Sec. 26. If any part of this 1967 amendatory act shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this 1967 amendatory act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such findings or determination shall not affect

Construction.

the operation of the remainder of this 1967 amendatory act in its application to the agencies concerned.

**Severability.**

Sec. 27. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected.

**Repeal.**

Sec. 28. The following acts and parts of acts are each hereby repealed:

(1) (a) Sections .02.07, .03.08, .04.08, .04.10, .04.11, .04.12, .04.13, .04.15 and .17.58, chapter 79, Laws of 1947; and

(b) Section 16, chapter 197, Laws of 1961.

(2) RCW 48.02.070, 48.03.080, 48.04.080, 48.04.100, 48.04.110, 48.04.120, 48.04.130, 48.04.150, 48.17.580 and 48.44.190.

**Effective date.**

Sec. 29. This act shall take effect on July 1, 1967.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 238.

[Substitute Senate Bill No. 46.]

### WASHINGTON CLEAN AIR ACT.

AN ACT relating to air pollution; amending section 3, chapter 232, Laws of 1957 and RCW 70.94.030; amending section 4, chapter 232, Laws of 1957 and RCW 70.94.040; amending section 7, chapter 232, Laws of 1957 and RCW 70.94.070; amending section 10, chapter 232, Laws of 1957 and RCW 70.94.100; amending section 11, chapter 232, Laws of 1957, as amended by section 1, chapter 27, Laws of 1963 and RCW 70.94.110; amending section 12, chapter 232, Laws of 1957 and RCW 70.94.120; amending section 13, chapter 232, Laws of 1957 and RCW 70.94.130; amending section 17, chapter 232, Laws of 1957 and RCW 70.94.170; amending section 20, chapter 232, Laws of 1957 and RCW 70.94.200; amending section 23, chapter 232, Laws of 1957 and RCW 70.94.230; amending section 24,

chapter 232, Laws of 1957 and RCW 70.94.240; amending section 25, chapter 232, Laws of 1957 and RCW 70.94.250; amending section 26, chapter 232, Laws of 1957 and RCW 70.94.260; amending section 1, chapter 188, Laws of 1961 and RCW 70.94.300; amending section 6, chapter 188, Laws of 1961 and RCW 70.94.350; amending section 8, chapter 188, Laws of 1961 and RCW 70.94.370; adding new sections to chapter 232, Laws of 1957, and to chapter 70.94 RCW; repealing section 1, chapter 232, Laws of 1957 and RCW 70.94.010; repealing section 2, chapter 232, Laws of 1957 and RCW 70.94.020; repealing section 6, chapter 232, Laws of 1957 and RCW 70.94.060; repealing section 3, chapter 27, Laws of 1963 and RCW 70.94.065; repealing section 8, chapter 232, Laws of 1957 and RCW 70.94.080; repealing section 9, chapter 232, Laws of 1957 and RCW 70.94.090; repealing section 14, chapter 232, Laws of 1957 and RCW 70.94.140; repealing section 15, chapter 232, Laws of 1957 and RCW 70.94.150; repealing section 16, chapter 232, Laws of 1957, as amended by section 2, chapter 27, Laws of 1963, and RCW 70.94.160; repealing section 18, chapter 232, Laws of 1957 and RCW 70.94.180; repealing section 19, chapter 232, Laws of 1957 and RCW 70.94.190; repealing section 21, chapter 232, Laws of 1957 and RCW 70.94.210; repealing section 22, chapter 232, Laws of 1957 and RCW 70.94.220; repealing section 4, chapter 188, Laws of 1961 and RCW 70.94.330; repealing section 7, chapter 188, Laws of 1961 and RCW 70.94.360; repealing section 9, chapter 188, Laws of 1961 and RCW 70.94.500; repealing section 27, chapter 232, Laws of 1957 and RCW 70.94.900; repealing section 10, chapter 188, Laws of 1961 and RCW 70.94.910; defining crimes; and prescribing penalties.

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

Section 1. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

It is hereby declared to be the public policy of the state to secure and maintain such levels of air quality as will protect human health and safety, and, to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of its inhabitants, promote the economic and social development of the state and facilitate the enjoyment of the natural attrac-

New section.

Washington  
Clean Air Act  
—Declaration  
of public  
policy.

Washington  
Clean Air Act  
—Declaration  
of public  
policy.

tions of the state. The problems and effects of air pollution are frequently regional and interjurisdictional in nature, and are dependent upon the existence of urbanization and industrialization in areas having common topography and recurring weather conditions conducive to the buildup of air contaminants.

It is also declared as public policy that regional air pollution control programs are to be encouraged and supported to the extent practicable as essential instruments for the securing and maintenance of appropriate levels of air quality.

In addition, the state is divided into two major areas, each having unique characteristics as to natural climatic and topographic features which may result in the different potentials for the accumulation and buildup of air contaminant concentrations. These two major areas are the area lying west of the Cascade Mountain crest and the area lying east of the Cascade Mountain crest. Within each of these major areas are regions which, because of the climate and topography and present and potential urbanization and industrial development may, through definitive evaluation be classed as regional air pollution areas.

To these ends it is the purpose of this act to provide for a coordinated state-wide program of air pollution prevention and control, for an appropriate distribution of responsibilities between the state, regional and local units of government, and for cooperation across jurisdictional lines in dealing with problems of air pollution.

Sec. 2. Section 3, chapter 232, Laws of 1957 and RCW 70.94.030 are each amended to read as follows:

RCW 70.94.030  
amended.

Definitions.

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) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(2) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the enjoyment of life and property.

(3) "Person" means and includes an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

(4) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(5) "Board" means the board of directors of an authority or a regional authority.

(6) "Control officer" means the air pollution control officer of any city, town, county, authority or regional authority.

(7) "State board" means the state air pollution control board.

(8) "Emission" means a release into the outdoor atmosphere of air contaminants.

(9) "Regional authority" means any regional air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries as provided in section 8 of this 1967 amendatory act.

(10) "Department" means the state department of health.

(11) "Ambient air" means the surrounding outside air.

(12) "Multicounty authority" means an authority other than a regional authority which consists of two or more counties.

**NOTE: See also section 1, chapter 61, Laws of 1967 ex. sess.**

RCW 70.94.040  
amended.

Washington  
Clean Air Act  
—Causing or  
permitting air  
pollution  
unlawful—  
Exception.

Sec. 3. Section 4, chapter 232, Laws of 1957 and RCW 70.94.040 are each amended to read as follows:

Except where specified in a variance permit, as provided in section 31 of this 1967 amendatory act, it shall be unlawful for any person knowingly to cause air pollution or knowingly permit it to be caused in violation of this chapter, or of any ordinance, resolution, rule or regulation validly promulgated hereunder.

New section.

Sec. 4. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Air pollution  
control au-  
thority created  
—Activated  
authorities—  
Air pollution  
regions—Re-  
ports to  
legislature.

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) All authorities which are presently or may hereafter be within counties of the first class, class A or class AA, are hereby designated as activated authorities and shall carry out the duties and exercise the powers provided in this chapter. Those authorities hereby activated which encompass contiguous counties located in one or the other of the two major areas determined in section 1 of this 1967 amendatory act are declared to be and directed to function as a multicounty authority.

(3) Except as provided in section 40 of this 1967 amendatory act, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this 1967 amendatory act shall be comprised of such appointees and/or county commissioners as is provided in section 21 of this

1967 amendatory act. The first meeting of the boards of those authorities designated as activated authorities by this 1967 amendatory act shall be on or before sixty days after the effective date of this 1967 amendatory act.

(5) The state board and the department of health are directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:

(a) The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.

(b) The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.

(c) The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.

The state board and the department are directed to report to the 1969 and succeeding legislative sessions with respect to the further need for activating or combining air pollution control authorities.

Sec. 5. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

The board of county commissioners of any county other than a first class, class A or class AA county may activate an air pollution control authority following a public hearing on its own motion, or upon a filing of a petition signed by one hundred property owners within the county. If the board of county commissioners determines as a result of the public hearing that:

- (1) Air pollution exists or is likely to occur; and
- (2) The city or town ordinances or county resolutions, or their enforcement, are inadequate to prevent or control air pollution, they shall by resolution activate an air pollution control authority or

New section.

Air pollution control authorities may be activated in certain counties—When.

Washington  
Clean Air Act.

combine with a contiguous county or counties to form a multicounty air pollution control authority.

New section.

Sec. 6. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Multicounty  
authorities—  
Name.

The boards of county commissioners of two or more contiguous counties may, by joint resolution, combine to form a multicounty air pollution control authority. Boundaries of such authority shall be coextensive with the boundaries of the counties forming the authority.

The name of the multicounty authority shall bear the names of the counties making up such multicounty authority or a name adopted by the board of such multicounty authority.

New section.

Sec. 7. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Declaration of  
public policy  
—Purpose  
—Encourage-  
ment of local  
agencies.

It is hereby declared to be the public policy of the state of Washington to provide for the people of the populous metropolitan regions in the state the means of obtaining air pollution control not adequately provided by existing agencies of local government. The problems and effects of air pollution are frequently regional or interlocal in nature, and are dependent upon the existence of urbanization and industrialization in areas having common topography and recurring weather conditions conducive to the build up of air contaminants. For reasons of the present and potential dramatic growth in population, urbanization and industrialization, the special problem of air resource management, encompassing both corrective and preventive measures for the control of air pollution, cannot be adequately met by the individual towns, cities, and counties of many metropolitan regions.

It is the purpose of sections 8, 9, 10, 11 and 12 of

this 1967 amendatory act to enable authorities to act jointly to meet this common problem in order that the proper growth and development of the metropolitan regions of the state may be assured and the health, safety, and welfare of the people residing therein may be secured. In addition, sections 8, 9, 10, 11 and 12 of this 1967 amendatory act are enacted to provide regional authorities to control and suppress air pollution in the state.

Regional or multicounty authorities which, in accordance with this 1967 amendatory act, have overall authority to maintain uniform air quality standards, shall encourage county or district health departments or other agencies to participate, and may delegate to such departments or agencies full or partial responsibility for programming and enforcement within their jurisdictional boundaries. This shall not abrogate the responsibility of the regional or multicounty authorities to provide direct control and enforcement.

Sec. 8. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows: New section.

(1) All air pollution control authorities which are presently within the counties of Whatcom, Skagit, Snohomish, King, Pierce, Thurston, Kitsap, Mason, Jefferson, Clallam, Island and San Juan shall constitute the Puget Sound regional air pollution control authority. The boundaries of such regional authority shall be coextensive with the boundaries of the counties therein. Washington  
Clean Air Act  
—Regional  
authorities—  
Designation—  
Boundaries.

(2) All air pollution control authorities which are presently within the counties of Grays Harbor, Pacific, Wahkiakum, Lewis, Cowlitz, Clark and Skamania, shall constitute the southwestern Washington regional air pollution control authority. The boundaries of such regional authority shall be coextensive with the boundaries of the counties therein.

Washington  
Clean Air Act  
—Regional  
authorities—  
Designation—  
Boundaries.

(3) All air pollution control authorities which are presently within the counties of Okanogan, Chelan, Douglas, Kittitas, Grant, Yakima and Klickitat, shall constitute the Columbia Basin regional air pollution control authority. The boundaries of such regional authority shall be coextensive with the boundaries of the counties therein.

(4) All air pollution control authorities which are presently within the counties of Ferry, Stevens, Pend Oreille, Lincoln and Spokane, shall constitute the eastern Washington regional air pollution control authority. The boundaries of such regional authority shall be coextensive with the boundaries of the counties therein.

(5) All air pollution control authorities which are presently within the counties of Benton, Franklin, Walla Walla, Columbia, Garfield, Asotin, Whitman and Adams, shall constitute the southeastern Washington regional air pollution control authority. The boundaries of such regional authority shall be coextensive with the boundaries of the counties therein.

New section.

Sec. 9. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

First and  
second class  
regional auth-  
orities—De-  
termination.

(1) A first class regional authority is one having at least one million population.

(2) A second class regional authority is one having less than one million population.

(3) The population of a regional authority shall be determined by the most recent census, estimate or survey by the federal bureau of census or any state board or commission authorized to make such a census, estimate or survey.

New section.

Sec. 10. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

(1) All first class regional authorities existing on July 1, 1969 shall be activated by operation of law on that date; and any regional authority which becomes a first class regional authority after July 1, 1969, shall be activated within sixty days after a determination in accordance with the provisions of section 9(3) of this 1967 amendatory act that it has at least one million population: *Provided*, That nothing in this section shall prevent a first class regional authority from becoming activated according to the provisions of this 1967 amendatory act prior to July 1, 1969. The boards of first class regional authorities shall be constituted as provided in section 21 of this 1967 amendatory act. The first meeting of the several boards of first class regional authorities shall be within sixty days following the date of activation.

Activation date of first class regional authorities—Meetings—When second class authorities may be activated.

(2) All second class regional authorities are hereby designated inactive authorities, but may become activated in accordance with the provisions of sections 5, 6, and 11 of this 1967 amendatory act.

Sec. 11. There is added to chapter 232, Laws of 1957, and to chapter 70.94 RCW a new section to read as follows:

New section.

The respective boards of county commissioners of two or more contiguous counties may merge any combination of their several inactive or activated authorities to form one activated multicounty authority. Upon a determination that the purposes of this chapter will be served by such merger, each board of county commissioners may adopt the resolution providing for such merger. Such resolution shall become effective only when a similar resolution is adopted by the other contiguous county or counties comprising the proposed authority. The boundaries of such authority shall be coextensive with the boundaries of the counties within which it is located.

Merger of authorities to form multicounty or regional authorities—Procedure.

Washington  
Clean Air Act.

Nothing in this section shall prevent any combination of the inactive or activated authorities located within the respective regional authorities as provided in section 8 of this act from merging in accordance with this section to form an activated regional authority.

New section.

Sec. 12. There is added to chapter 232, Laws of 1957 and to chapter 70.94 a new section to read as follows:

Reorganization  
of boards after  
merger—Rules  
and regula-  
tions.

Whenever there occurs a merger of an inactive authority with an activated authority or authorities, or of two activated authorities to form a multicounty authority or a regional authority, the board of directors shall be reorganized as provided in sections 21, 22, and 23 of this 1967 amendatory act.

In the case of the merger of two or more activated authorities the rules and regulations of each authority shall continue in effect and shall be enforced within the jurisdiction of each until such time as the board of directors adopts rules and regulations applicable to the newly formed multicounty authority or regional authority.

In the case of the merger of an inactive authority with an activated authority or authorities, upon approval of such merger by the board or boards of county commissioners of the county or counties comprising the existing activated authority or authorities, the rules and regulations of the activated authority or authorities shall remain in effect until superseded by the rules and regulations of the multicounty authority or regional authority as provided in section 38 of this act.

RCW 70.94.070  
amended.

Sec. 13. Section 7, chapter 232, Laws of 1957 and RCW 70.94.070 are each amended to read as follows:

The resolution or resolutions activating an air pollution authority or a regional authority, as the case may be, shall specify the name of the authority

or regional authority and participating political bodies; the authority's or regional authority's principal place of business; the territory included within it; and the effective date upon which such authority or regional authority shall begin to transact business and exercise its powers. In addition, such resolution or resolutions may specify the amount of money to be contributed annually by each political subdivision, or a method of dividing expenses of the air pollution control program. Upon the adoption of a resolution or resolutions calling for the activation of an authority or a regional authority or the merger of an inactive or activated authority or several activated authorities to form a multicounty authority or a regional authority, the governing body of each shall cause a certified copy of each such ordinance or resolution to be filed in the office of the secretary of state of the state of Washington. From and after the date of filing with the secretary of state of a certified copy of each such resolution or resolutions, or the date specified in such resolution or resolutions, whichever is later, the authority or regional authority may begin to function and may exercise its powers.

Resolutions  
activating  
authorities—  
Contents—Filing—Effective  
date.

Any authority or regional authority activated by the provisions of this 1967 amendatory act shall cause a certified copy of all information required by this section to be filed in the office of the secretary of state of the state of Washington.

Sec: 14. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

An activated authority or an activated regional authority shall be deemed a municipal corporation; have right to perpetual succession; adopt and use a seal; may sue and be sued in the name of the authority or regional authority in all courts and in all proceedings; and, may receive, account for, and dis-

Powers and  
duties of  
authorities.

Washington  
Clean Air Act.

burse funds, employ personnel, and acquire or dispose of any interest in real or personal property within or without the authority or regional authority in the furtherance of its purposes.

New section.

Sec. 15. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Excise tax levy  
—Elections  
—Procedure  
—Expense.

An activated authority or an activated regional authority shall have the power to levy additional taxes in excess of the forty-mill limitation for any of the authorized purposes of such activated authority or activated regional authority, not in excess of one mill a year when authorized so to do by the electors of such authority or regional authority by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not more often than twice in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the board, which special election may be called by the board, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes" and those opposing thereto to vote "No": *Provided*, That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said authority or regional authority who voted in the last preceding general election. Nothing herein shall be construed to prevent holding the foregoing special election at the same time as that fixed for a general election. The expense of all special elections held pursuant to this section shall be paid by the authority or regional authority.

New section.

Sec. 16. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

On or before the first Tuesday in September of each year, each activated authority or activated regional authority shall adopt a budget for the following calendar year. The budget shall contain an estimate of all revenues to be collected during the following budget year, including any surplus funds remaining unexpended from the preceding year. The remaining funds required to meet budget expenditures, if any, shall be designated as "supplemental income" and shall be obtained from the component cities, towns, and counties in the manner provided in this chapter. The affirmative vote of three-fourths of all members of the board shall be required to authorize emergency expenditures.

Adoption of budget—Contents—Supplemental income—Emergency expenditures.

Sec. 17. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

(1) Each component city or town shall pay such proportion of the supplemental income to the authority or regional authority as determined by either one of the following prescribed methods or by a combination of fifty percent of one and fifty percent of the other as provided in subsection (1) (c) of this section:

Washington Clean Air Act—Methods for determining proportional expense of component cities, towns and counties—Payment.

(a) Each component city or town shall pay such proportion of the supplemental income as the assessed valuation of property within its limits bears to the total assessed valuation of taxable property within the activated authority or the activated regional authority.

(b) Each component city or town shall pay such proportion of the supplemental income as the total population of such city or town bears to the total population of the activated authority or the activated regional authority. The population of the city or town shall be determined by the most recent census, estimate or survey by the federal bureau of census

Washington  
Clean Air Act  
—Methods for  
determining  
proportional  
expense of  
component  
cities, towns  
and counties—  
Payment.

or any state board or commission authorized to make such a census, estimate or survey.

(c) A combination of the methods prescribed in (a) and (b) of this subsection: *Provided*, That such combination shall be of fifty percent of the method prescribed in (a) of this subsection and fifty percent of the method prescribed in (b) of this subsection.

(2) Each component county shall pay such proportion of such supplemental income to the authority or regional authority as determined by either one of the following prescribed methods or by a combination of fifty percent of one and fifty percent of the other as prescribed in subsection (2) (c) of this section:

(a) Each component county shall pay such proportion of such supplemental income as the assessed valuation of the property within the unincorporated area of such county lying within the activated authority or activated regional authority bears to the total assessed valuation of taxable property within the activated authority or activated regional authority.

(b) Each component county shall pay such proportion of the supplemental income as the total population of the unincorporated area of such county bears to the total population of the activated authority or the activated regional authority. The population of the county shall be determined by the most recent census, estimate or survey by the federal bureau of census or any state board or commission authorized to make such a census, estimate or survey.

(c) A combination of the methods prescribed in (a) and (b) of this subsection: *Provided*, That such combination shall be of fifty percent of the method prescribed in (a) of this subsection and fifty percent of the method prescribed in (b) of this subsection.

(3) In making such determination of the as-

sessed valuation of property in the component cities, towns and counties, the board shall use the last available assessed valuations. The board shall certify to each component city, town and county, prior to the fourth Monday in June of each year, the share of the supplemental income to be paid by such component city, town or county for the next calendar year. The latter shall then include such amount in its budget for the ensuing calendar year, and during such year shall pay to the activated authority or activated regional authority, in equal quarterly installments, the amount of its supplemental share.

Sec. 18. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

The treasurer of each component city, town or county shall create a separate fund into which shall be paid all money collected from taxes or from any other available sources, levied by or obtained for the activated authority or activated regional authority on property or on any other available sources in such city, town or county and such money shall be forwarded quarterly by the treasurer of each such city, town or county to the treasurer of the county designated by the board as the authority or the regional authority treasurer. The treasurer of the county so designated to serve as treasurer of the authority or regional authority shall establish and maintain such funds as may be authorized by the board. Money shall be disbursed from such funds upon warrants drawn by the auditor of the county designated by the board as the authority or the regional authority auditor as authorized by the board. The respective county shall be reimbursed by the board for services rendered by the treasurer and auditor of the respective county in connection with the receipt and disbursement of such funds.

Treasurer of  
authorities,  
designation,  
duties.

Washington  
Clean Air Act.  
New section.

Sec. 19. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Certification  
of assessed  
valuation.

It shall be the duty of the assessor of each component county to certify annually to the board the aggregate assessed valuation of all taxable property in all incorporated and unincorporated areas situated in any activated authority or activated regional authority as the same appears from the last assessment roll of his county.

New section.

Sec. 20. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Power to bor-  
row money.

An activated authority or an activated regional authority shall have the power when authorized by a majority of all members of the board to borrow money from any component city, town or county and such cities, towns and counties are hereby authorized to make such loans or advances on such terms as may be mutually agreed upon by the board and the legislative bodies of any such component city, town or county to provide funds to carry out the purposes of the activated authority or activated regional authority.

RCW 70.94.100  
amended.

Sec. 21. Section 10, chapter 232, Laws of 1957 and RCW 70.94.100 are each amended to read as follows:

Board of di-  
rectors of au-  
thorities—  
Composition—  
Term.

(1) The governing body of each authority or regional authority shall be known as the board of directors.

(2) In the case of an authority comprised of one county the board shall be comprised of two appointees of the city selection committee as hereinafter provided, at least one of whom shall represent the city having the most population in the county, and two county commissioners to be designated by the board of county commissioners. In the case of an authority comprised of two or three counties, the

board shall be comprised of one appointee of the city selection committee of each county as hereinafter provided, who shall represent the city having the most population in such county, and one county commissioner from each county to be designated by the board of county commissioners of each county making up the authority. In the case of an authority comprised of four or five counties, the board shall be comprised of one appointee of the city selection committee of each county as hereinafter provided who shall represent the city having the most population in such county, and one county commissioner from each county to be designated by the board of county commissioners of each county making up the authority. In the case of an authority comprised of six or more counties, the board shall be comprised of one county commissioner from each county to be designated by the board of county commissioners of each county making up the authority, and one appointee from each city with over one hundred thousand population to be appointed by the mayor and city council of such city.

(3) In the case of a regional authority comprised of those counties as defined in section 8 of this 1967 amendatory act, the board shall be comprised of those appointees and/or commissioners as provided in subsection (2) of this section.

(4) If the board of an authority or a regional authority otherwise would consist of an even number, the members selected as above provided shall agree upon and elect an additional member who shall be either a member of the governing body of one of the towns, cities or counties comprising the authority or regional authority, or a private citizen residing in the authority or regional authority. All board members shall hold office at the pleasure of the appointing body.

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Sec. 22. Section 11, chapter 232, Laws of 1957, as amended by section 1, chapter 27, Laws of 1963, and RCW 70.94.110 are each amended to read as follows:

RCW 70.94.110  
amended.

City selection  
committee.

There shall be a separate and distinct city selection committee for each county making up an authority. The membership of such committee shall consist of the mayor of each incorporated city and town within such county. A majority of the members of each city selection committee shall constitute a quorum.

RCW 70.94.120  
amended.

Sec. 23. Section 12, chapter 232, Laws of 1957 and RCW 70.94.120 are each amended to read as follows:

Meetings, no-  
tice, recording  
officer.

The city selection committee of each county which is included within an authority or a regional authority shall meet within one month after the activation of such authority or regional authority for the purpose of making its initial appointments to the board of such authority or regional authority and thereafter whenever necessary for the purpose of making succeeding appointments. All meetings shall be held upon at least two weeks written notice given by the county auditor to each member of the city selection committee of each county and he shall give such notice upon request of any member of such committee. A similar notice shall be given to the general public by a publication of such notice in a newspaper of general circulation in such authority or regional authority. The county auditor shall act as recording officer, maintain its records and give appropriate notice of its proceedings and actions.

RCW 70.94.130  
amended.

Sec. 24. Section 13, chapter 232, Laws of 1957 and RCW 70.94.130 are each amended to read as follows:

Board of di-  
rectors.

The board shall exercise all powers of the authority or regional authority except as otherwise provided. The board shall conduct its first meeting within thirty days after all of its members have been appointed or designated as provided in section

21 of this 1967 amendatory act. A majority of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a chairman and such other officers as may be necessary. Each member of the board shall receive from the authority or regional authority twenty-five dollars per day compensation (but not to exceed one thousand dollars per year) for each full day spent in the performance of his duties under this chapter, plus the actual and necessary expenses incurred by him in such performance. The board may appoint an executive director, and any other personnel, and shall determine their salaries, and pay same, together with any other proper indebtedness, from authority or regional authority funds.

Quorum,  
officers,  
compensation.

Sec. 25. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

The governing body of any city, town or county, the board of any activated authority or activated regional authority, in addition to any other powers vested in them by law, each have power to:

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—Powers and  
duties of city,  
town, county  
or board of  
activated  
authority.

(1) Adopt, amend and repeal its own ordinances, resolutions, or rules and regulations, as the case may be, implementing this chapter and consistent with it, after consideration at a public hearing held in accordance with chapter 42.32 RCW.

(2) Hold hearings relating to any aspect of or matter in the administration of this chapter and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath.

(3) Issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings.

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duties of city,  
town, county  
or board of  
activated  
authority.

(4) Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere.

(5) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise.

(6) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within its jurisdiction.

(7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter.

(8) Encourage and conduct studies, investigation and research relating to air pollution and its causes, effects, prevention, abatement and control.

(9) Collect and disseminate information and conduct educational and training programs relating to air pollution.

(10) Advise, consult, cooperate and contract with agencies and departments and the educational institutions of the state, other political subdivisions, industries, other states, interstate or interlocal agencies, and the United States government, and with interested persons or groups.

(11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system for the control thereof, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with this chapter, ordinances, resolutions, rules and regulations in force pursuant thereto, or any other provision of law.

(12) Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United

States government for the purpose of carrying out any of the functions of this chapter.

Sec. 26. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

In connection with the subpoena powers given in section 25(2) of this 1967 amendatory act:

Subpoenas—  
Witnesses—  
Rules and reg-  
ulations.

(1) In any hearing held under sections 31, 35, and 48 of this 1967 amendatory act, the governing body or board or the state board, and their authorized agents:

(a) shall issue a subpoena upon the request of any party and, to the extent required by rule or regulation, upon a statement or showing of general relevance and reasonable scope of the evidence sought;

(b) may issue a subpoena upon their own motion.

(2) The subpoena powers given in section 25 (2) of this 1967 amendatory act shall be state-wide in effect.

(3) Witnesses appearing under the compulsion of a subpoena in a hearing before a governing body or board or the state board shall be paid the same fees and mileage that are provided for witnesses in the courts of this state. Such fees and mileage, and the cost of duplicating records required to be produced by subpoena issued upon the motion of the governing body, board, or state board, shall be paid by the governing body, board, or state board. Such fees and mileage, and the cost of producing records required to be produced by subpoena issued upon the request of a party, shall be paid by that party.

(4) If an individual fails to obey the subpoena, or obeys the subpoena but refuses to testify when required concerning any matter under examination or investigation or the subject of the hearing, the governing body, board or state board shall file its

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written report thereof and proof of service of its subpoena, in any court of competent jurisdiction in the county where the examination, hearing or investigation is being conducted. Thereupon, the court shall forthwith cause the individual to be brought before it and, upon being satisfied that the subpoena is within the jurisdiction of the governing body, board or state board and otherwise in accordance with law, shall punish him as if the failure or refusal related to a subpoena from or testimony in that court.

(5) The state board may make such rules and regulations as to the issuance of its own subpoenas as are not inconsistent with the provisions of this 1967 amendatory act.

New section.

Sec. 27. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Federal aid.

Cities, towns, counties, activated authorities, and activated regional authorities exercising the powers and duties prescribed in this chapter may make application for, receive, administer, and expend any federal aid, under federal legislation from any agency of the federal government, for the prevention and control of air pollution or the development and administration of programs related to air pollution control and prevention, as permitted by section 25 (12) of this 1967 amendatory act: *Provided*, That any such application shall be submitted to and approved by the department. The department shall, based upon such standards established by the state board, approve any such application, if it is consistent with this chapter, and any other applicable requirements of law.

New section.

Sec. 28. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

(1) The governing body of any city, town or

county, or the board of any activated authority or activated regional authority, or the state board, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such city, town, county, authority, regional authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

Classification  
of air contam-  
inant sources.

(2) Any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the state board or of the governing body or board of the city, town, county, authority, or regional authority require registration and reporting shall register therewith and make reports containing information as may be required by such state board or governing body or board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. The state board or governing body or board may require that such registration be accompanied by a fee and may determine the amount of such fee for such class or classes: *Provided*, That the amount of the fee shall only be to compensate for the costs of administering such registration program: *Provided further*, That any such registration made with either the governing body or board or the state

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board shall preclude a further registration with any other governing body or board or the state board.

New section.

Sec. 29. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Notice of new  
contaminant  
sources—Sub-  
mission of  
plans—Emiss-  
sion control.

(1) The state board or the governing body or board of any authority or regional authority may require notice of the construction, installation or establishment of new air contaminant sources specified by class or classes in its ordinances, resolutions, rules or regulations relating to air pollution. The state board or the governing body or board may require such notice to be accompanied by a fee and determine the amount of such fee for such class or classes: *Provided*, That the amount of the fee may not exceed the cost of reviewing the plans, specifications and other information and administering such notice: *Provided further*, That any such notice given to either the governing body or board or to the state board shall preclude a further notice to be given to any other governing body or board or to the state board. Within thirty days of its receipt of such notice, the state board or the governing body or board may require, as a condition precedent to the construction, installation or establishment of the air contaminant source or sources covered thereby, the submission of plans, specifications, and such other information as it deems necessary in order to determine whether the proposed construction, installation or establishment will be in accord with applicable rules and regulations in force pursuant to this chapter. If within thirty days of the receipt of plans, specifications or other information required pursuant to this section the state board or the governing body or board determines that the proposed construction, installation or establishment will not be in accord with this chapter or the applicable ordi-

nances, resolutions, rules and regulations adopted pursuant thereto, it shall issue an order for the prevention of the construction, installation or establishment of the air contaminant source or sources. Failure of such order to issue within the time prescribed herein shall be deemed a determination that the construction, installation or establishment may proceed: *Provided*, That it is in accordance with the plans, specifications or other information, if any, required to be submitted.

(2) For the purposes of this chapter, addition to or enlargement or replacement of an air contaminant source, or any major alteration therein, shall be construed as construction or installation or establishment of a new air contaminant source.

(3) Nothing in this section shall be construed to authorize the state board or the governing body or board to require the use of emission control equipment or other equipment, machinery or devices of any particular type, from any particular supplier, or produced by any particular manufacturer.

(4) Any features, machines and devices constituting parts of or called for by plans, specifications or other information submitted pursuant to subsection (1) hereof shall be maintained in good working order.

(5) The absence of an ordinance, resolution, rule or regulation, or the failure to issue an order pursuant to this section shall not relieve any person from his obligation to comply with any emission control requirements or with any other provision of law.

Sec. 30. Section 17, chapter 232, Laws of 1957 and RCW 70.94.170 are each amended to read as follows:

RCW 70.94.170  
amended.

Any city, town, county, activated authority or activated regional authority which has adopted an ordinance, resolution, or valid rules and regulations as provided herein for the control and prevention of

Control officer.

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air pollution shall appoint a control officer, who shall observe and enforce the provisions of this chapter and all orders, ordinances, resolutions, or rules and regulations of such city, town, county activated authority or activated regional authority pertaining to the control and prevention of air pollution.

New section.

Sec. 31. There is added to chapter 232, Laws of 1957, and to chapter 70.94 RCW a new section to read as follows:

Variations—  
Limitations—  
Renewals—  
Review.

(1) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the state board where it has regulatory authority under sections 52, 53, 56 and 58 of this 1967 amendatory act, or the governing body 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 state board or the governing body or board may require. The state board or the governing body 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 state board or governing body 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 state board or governing body or board may prescribe.

(b) If the application for variance shows that there is no automobile fragmentizer in the state 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 state board or governing body 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 state board or governing body 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

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—Variances.

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 state board or governing body 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 governing body 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 state board or governing body or board shall give public notice of such application in accordance with rules and regulations of the state board or governing body or board.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be at the discretion of the state board or governing body 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 state board or governing body or board may obtain judicial review thereof only under the provisions of this 1967 amendatory act.

(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 section 57 of this 1967 amendatory act to any person or his property.

RCW 70.94.200  
amended.

Sec. 32. Section 20, chapter 232, Laws of 1957 and RCW 70.94.200 are each amended to read as follows:

For the purpose of investigating conditions specific to the control, recovery or release of air con-

taminants into the atmosphere, a control officer, the director of the state department of health or their duly authorized representatives, shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing two families or less. No person shall refuse entry or access to any control officer, the director of health, or their duly authorized representatives, who requests entry for the purpose of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection.

Investigations  
by control of-  
ficer or direc-  
tor of health.

Sec. 33. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

Whenever any records or other information furnished to or obtained by the state board, or by the governing body of any city, town or county or the board of any authority or regional authority, pursuant to any sections in chapter 70.94 RCW, relate to processes or production unique to the owner or operator, or is likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the state board or the governing body or board. Nothing herein shall be construed to prevent the use of records or information by the state board and the governing body or board in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: *Provided*, That such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section.

Confidentiality  
of records and  
information.

Sec. 34. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

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Whenever the governing body or board or the control officer has reason to believe that any provision of this chapter or any ordinance, regulation, rule or regulation relating to the control or prevention of air pollution has been violated, such governing body or board or control officer may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the ordinance, resolution, rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the governing body or board or the control officer may require that the alleged violator or violators appear before the governing body or board for a hearing at a time and place specified in the notice given at least fifteen days prior to such hearing and answer the charges complained of, or in addition to or in place of an order or hearing, the governing body or board or control officer may initiate action pursuant to sections 60, 61, and 62 of this 1967 amendatory act.

Violations—  
Notice—Action  
by local  
authorities.

New section.

Sec. 35. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Hearing—Pro-  
cedure.

(1) Any order issued by the governing body or board or by the control officer, which is not preceded by a hearing, shall become final unless, no later than fifteen days after the date the notice and order are served, the person aggrieved by the order petitions for a hearing before the governing body or board. Upon receipt of the petition, the governing body or board shall hold a hearing after no less than fifteen days prior notice to petitioning parties.

(2) If, after a hearing held as a result of a petition to the governing body or board by a person aggrieved by an order, the governing body or board

finds that a violation has occurred or is occurring, it shall affirm or modify the order previously issued, or if the finding made is that no violation has occurred or is occurring, the order shall be rescinded. If, after a hearing held in lieu of an order, the governing body or board finds that a violation has occurred or is occurring, it shall issue an appropriate order or orders for the prevention, abatement or control of the emissions involved or for the taking of such other corrective actions as may be appropriate. Any order issued as part of a notice or after hearing may prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating, or controlling the emissions.

(3) In any hearing held under this section or under section 31 of this 1967 amendatory act:

(a) The governing body or board shall admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. They shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(b) All evidence, including but not limited to records and documents in the possession of the governing body or board of which it desires to avail itself, shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(c) Every party shall have the right of cross-examination of witnesses who testify, and shall have the right to submit rebuttal evidence.

(d) The governing body or board may take notice of judicially cognizable facts and in addition

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may take notice of general, technical, or scientific facts within their specialized knowledge. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The governing body or board may utilize their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

New section.

Sec. 36. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Order—Final-  
ity—Appeal.

Any order issued by the governing body or board after a hearing shall become final unless no later than thirty days after the issuance of such order, a petition requesting judicial review is filed in the superior court of the county in which the violation is alleged to have occurred or is alleged to be likely to occur. Such order shall then be subject to appeal and to trial de novo on the record in the superior court.

New section.

Sec. 37. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Order—Stay  
pending final  
determination.

Any order of the control officer or the governing body or board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein, unless after notice and hearing, the superior court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.

Nothing in this 1967 amendatory act shall prevent the control officer or governing body or board from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

Sec. 38. Section 23, chapter 232, Laws of 1957 and RCW 70.94.230 are each amended to read as follows:

The rules and regulations hereafter adopted by an authority or a regional authority under the provisions of this chapter shall supersede the existing rules, regulations, resolutions and ordinances of any of the component bodies included within said authority or regional authority in all matters relating to the control and enforcement of air pollution as contemplated by this act: *Provided, however,* That existing rules, regulations, resolutions and ordinances shall remain in effect until such rules, regulations, resolutions and ordinances are superseded as provided in this section: *Provided further,* That nothing herein shall be construed to supersede any local county, or city ordinance or resolution, or any provision of the statutory or common law pertaining to nuisance; nor to affect any aspect of employer-employee relationship relating to conditions in a place of work, including without limitation, statutes, rules or regulations governing industrial health and safety standards or performance standards incorporated in zoning ordinances or resolutions of the component bodies where such standards relating to air pollution control or air quality containing requirements not less stringent than those of the authority or regional authority.

RCW 70.94.230 amended.

Priority of rules—Authority rules supersede local rules—Exceptions.

Sec. 39. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

Upon the date that an authority or a regional authority begins to exercise its powers and functions, all districts formed as a district under chapter 70.94 RCW prior to the effective date of this 1967 amendatory act which previously were wholly or partially composed of one or more cities or towns located within such activated authority or activated regional authority shall be considered to be dis-

Dissolution of prior districts—Savings.

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solved but its rules and regulations in force on such date shall remain in effect until superseded by the rules and regulations of the authority or regional authority as provided in section 38 of this 1967 amendatory act. In such event, the board of any such district shall proceed to wind up the affairs of the district in the same manner as if the district were dissolved as provided in RCW 70.94.260.

New section.

Sec. 40. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Prior districts  
as activated  
authority—  
Savings.

(1) Any local or regional air pollution control program formed as a district under chapter 70.94 RCW prior to the effective date of this 1967 amendatory act 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 the effective date of this 1967 amendatory act, be considered an activated authority, provided that within six months of the effective date of this 1967 amendatory act the board of directors shall be reorganized to conform to the provisions of sections 21, 22, and 23 of this 1967 amendatory act.

(2) Nothing in this 1967 amendatory act 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 the effective date of this 1967 amendatory act, but such local or regional programs shall be subject to the provisions of sections 38, 39, 40, 50, 53, 54 and 57 of this 1967 amendatory act.

RCW 70.94.240  
amended.

Sec. 41. Section 24, chapter 232, Laws of 1957 and RCW 70.94.240 are each amended to read as follows:

The governing body of any city, town or county appointing a control officer, or the board of any

authority or regional authority, shall appoint an air pollution control advisory council to advise and consult with such body or board, and the control officer in effectuating the purposes of this chapter. The council shall consist of five appointed members who are residents of the city, town, county, authority or regional authority and who are preferably skilled and experienced in the field of air pollution control, two of whom shall serve as representatives of industry. The mayor of such city, or town, the chairman of the board of county commissioners of any such county, or the chairman of the board of any such authority or regional authority, as the case may be, shall serve as ex officio member of the council and be its chairman. Council members shall serve without compensation but may be allowed actual expenses incurred in the discharge of their duties.

Air pollution control advisory council.

Sec. 42. Section 25, chapter 232, Laws of 1957 and RCW 70.94.250 are each amended to read as follows:

RCW 70.94.250 amended.

This chapter does not apply to smoke from fires set in the course of any forest harvest operation or to abate a forest fire hazard, or from fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, for the purpose of weed abatement, the prevention of a fire hazard, or the instruction of public employees in the methods of fighting fires which is, in the opinion of such officer, necessary, or from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

Exemptions from chapter.

This chapter does not apply to smoke from agricultural fires set by, or permitted by, the county agricultural agent of any county, if such fire is set or permission given in the performance of the official duty of such county agricultural agent for the purpose of disease prevention.

RCW 70.94.260  
amended.

Dissolution of  
district—De-  
activation of  
authorities.

Sec. 43. Section 26, chapter 232, Laws of 1957 and RCW 70.94.260 are each amended to read as follows:

A district formed under chapter 90.74 RCW prior to the effective date of this 1967 amendatory act may be dissolved, an authority or regional authority may be deactivated prior to the term provided in the original or subsequent agreement by the participating cities and towns comprising such district or the county or counties comprising such authority or regional authority upon the adoption by the board, following a hearing held upon ten days notice, to said cities, towns, and counties, of a resolution for dissolution or deactivation and upon the approval by the governing body of each city or town comprising the district or the board of county commissioners of each county comprising the authority or regional authority. In such event, the board shall proceed to wind up the affairs of the district, authority or regional authority and pay all indebtedness thereof. Any surplus of funds shall be paid over to the cities or towns comprising the district or to the counties comprising the authority or regional authority in proportion to their last contribution. Upon the completion of the process of closing the affairs of the district, authority or regional authority, the board shall by resolution entered in its minutes declare the district dissolved or the authority or regional authority deactivated and a certified copy of such resolution shall be filed with the secretary of state and the district thereupon shall be deemed dissolved or the authority or the regional authority shall be deemed inactive.

RCW 70.94.300  
amended.

Sec. 44. Section 1, chapter 188, Laws of 1961 and RCW 70.94.300 are each amended to read as follows:

There is established in the department of health a state air pollution control board consisting of nine members to be appointed as follows: The state director of health shall be an ex officio member with

vote and shall act as chairman of the state board; one member to be appointed by the governor who shall be representative of the public; one member to be alternately appointed by the governor from the faculty of the University of Washington or Washington State University, with the advice of the president thereof; one member to be appointed by the governor who shall be representative of labor; one member to be appointed by the governor who shall either be the mayor, a member of the governing body or other official of an incorporated city or town in this state; one member to be appointed by the governor who shall be a member of the board of county commissioners or other official of one of the counties of this state; one agricultural representative to be appointed by the governor; two members to be appointed by the governor to represent the industries in this state most concerned with the problems of air pollution, no two appointees to be from the same general industrial category. The state board shall employ an executive director who shall be selected from the staff of the state department of health.

State board—  
Composition—  
Executive  
director.

The term of office of each appointed member of the state board shall be at the pleasure of the governor.

Five members of the state board shall constitute a quorum and the affirmative vote of a majority of the board shall be necessary for any action taken by the board. No vacancy in the membership of the state board shall impair the right of the quorum to exercise all rights and perform all the duties of the board. If a vacancy shall occur by death, resignation or otherwise of those appointed to the state board, the governor shall fill the same.

*Nothing in this section shall be construed as changing the composition of the state board as it*

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*exists upon the effective date of this 1967 amendatory act.*

RCW 70.94.350  
amended.

Sec. 45. Section 6, chapter 188, Laws of 1961 and RCW 70.94.350 are each amended to read as follows:

State board  
use of local  
personnel—Re-  
imbursement.

The director of health is authorized to contract for or otherwise agree to the use of personnel of municipal corporations or other agencies or private persons; and the director of health is further authorized to reimburse such municipal corporations or agencies for the employment of such personnel. Merit system regulations or standards for the employment of personnel may be waived for personnel hired under contract as provided for in this section. The director of health shall provide, within available appropriations, for the scientific, technical, legal, administrative, and other necessary services and facilities for the functioning of the state board. The necessary staff, services, and facilities shall be administered through an appropriate organizational unit of the department of health under the direction of the executive director of the state board.

New section.

Sec. 46. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Powers and  
duties of state  
board.

(1) The state board shall have all the powers as provided in section 25 of this 1967 amendatory act.

(2) The state board, in addition to any other powers vested in it by law after consideration at a public hearing held in accordance with chapter 42.32 RCW, may:

(a) Adopt ambient air quality goals;

(b) Adopt by rule and regulation requirements for the control or prohibition of emissions to the outdoor atmosphere of dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof. Such requirements may be based upon a system of classification

by types of emissions or types of sources of emissions, or combinations thereof, which it determines most feasible for the purposes of this chapter.

(3) The ambient air quality goals and requirements for the control or prohibition of emissions may be for the state as a whole or may vary from area to area, as may be appropriate to facilitate the accomplishment of the objectives of this chapter and to take necessary or desirable account of varying local conditions of population concentration, the existence of actual or reasonable foreseeable air pollution, topographic and meteorologic conditions and other pertinent variables.

(4) The state board is directed to cooperate with the appropriate agencies of the United States or other states or any interstate agencies or international agencies with respect to the control of air pollution and air contamination, or for the formulation for the submission to the legislature of interstate air pollution control compacts or agreements.

(5) The state board is directed to conduct or cause to be conducted a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

(6) The state board may enforce the requirements for the control or prohibitions of emissions under the conditions and in such areas as provided in sections 52, 53, and 56 of this 1967 amendatory act.

(7) The state board may encourage local units of government to handle air pollution problems within their respective jurisdictions and on a cooperative basis, and to provide technical and consultative assistance therefor.

Sec. 47. There is added to chapter 232, Laws of

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1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

Violations—  
Notice—Action  
by department  
of health.

Whenever the department has reason to believe that any provision of this chapter or any rule or regulation adopted by the state board or being enforced by the state board under section 56 of this 1967 amendatory act relating to the control or prevention of air pollution has been violated, it may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the department may require that the alleged violator or violators appear before the state board or a duly appointed hearing officer for a hearing at a time and place specified in the notice given at least twenty days prior to such hearing and answer the charges complained of, or in addition to or in place of an order or hearing, the department may initiate action pursuant to sections 60, 61, and 62 of this chapter.

New section.

Sec. 48. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Orders of department—  
Hearings—Judicial review.

(1) Any order issued by the department shall become final unless, no later than twenty days after the date the notice and order are served, the person aggrieved by the order petitions for a hearing before the state board. Upon receipt of the petition, the state board shall hold a hearing after not less than twenty days prior notice to petitioning parties.

(2) If, after a hearing held as a result of a petition to the state board by a person aggrieved by an order, the state board finds that a violation has occurred or is occurring, it shall affirm or modify the order previously issued, or if the finding made is

that no violation has occurred or is occurring, the order shall be rescinded. If, after a hearing held in lieu of an order, the state board finds that a violation has occurred or is occurring, it shall issue an appropriate order or orders for the prevention, abatement or control of the emissions involved or for the taking of such other corrective actions as may be appropriate. Any order issued as part of a notice or after hearing may prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating or controlling the emissions.

(3) An order issued by the state board after a hearing shall become final unless no later than thirty days after the issuance and service of such order, a petition requesting judicial review is filed in the superior court of the county in which the violation is alleged to have occurred or is alleged to be likely to occur. Review shall be conducted without a jury *de novo* on the record in the superior court.

(4) The reviewing court may affirm or reverse the decision of the governing body or board. In addition, any party may move the court to remand the case to the state board, in the interests of justice, for the purpose of adducing additional specified and material evidence, and findings thereon: *Provided*, That such party shall show reasonable grounds for the failure to adduce such evidence previously before the state board.

(5) Any order of the department or the state board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein, unless after notice and hearing, the superior court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.

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(6) Nothing in this 1967 amendatory act shall prevent the department or the state board from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

(7) Any hearing held under section 31 or section 48 of this 1967 amendatory act by the state board shall be conducted in accord with RCW 34.04.090 through 34.04.130.

New section.

Sec. 49. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Hearing officer  
—Powers and  
duties.

(1) In all instances where the state board is permitted or required to hold hearings under the provisions of this 1967 amendatory act, such hearings shall be held before the state board, or the state board may appoint a hearing officer, who shall be an attorney admitted to practice in the state.

(2) A duly appointed hearing officer shall have all the powers, rights and duties of the state board relating to the conduct of hearings.

(3) At the conclusion of a hearing at which he has presided, the hearing officer shall prepare written findings of fact and conclusions of law, and a recommended decision. Parties to the proceeding shall be notified of the recommended decision in person or by mail. A copy of the decision and accompanying findings and conclusions shall be delivered or mailed to each party or to his attorney of record.

New section.

Sec. 50. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

(1) Every city, town, county, activated authority or activated regional authority operating an air pollution control program shall have requirements for the control of emissions which are no less strin-

gent than those adopted by the state board for the geographic area in which such air pollution control program is located. Less stringent requirements than compelled by this section may be included in a local or regional air pollution control program only after approval by the state board following demonstration to the satisfaction of the state board that the proposed requirements are consistent with the purposes of this chapter: *Provided*, That such approval shall be preceded by public hearing, of which notice has been given in accordance with chapter 42.32 RCW. The state board, upon receiving evidence that conditions have changed or that additional information is relevant to a decision with respect to the requirements for emission control, may, after public hearing on due notice, withdraw any approval previously given to a less stringent local or regional requirement.

Emission control requirements.

Nothing in this chapter shall be construed to prevent a local or regional air pollution control district or authority from adopting and enforcing more stringent emission control requirements than those adopted by the state board and applicable within the jurisdiction of the local or regional air pollution control district or authority.

Sec. 51. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

(1) Any activated authority or activated regional authority may apply to the state board for state financial aid in an amount not to exceed fifty percent of the locally funded portion of the annual operating cost of such authority or regional authority. Any such aid shall be expended from the general fund from such appropriations as the legislature may provide for this purpose.

State financial aid.

(2) Before any such application is approved and financial aid is given or approved by the state board,

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the city, town, county, authority or regional authority shall demonstrate to the satisfaction of the state board that it is fulfilling the requirements of section 50 of this 1967 amendatory act, or, if the state board has not adopted ambient air quality goals and requirements as permitted by section 46 of this 1967 amendatory act, the city, town, county, authority or regional authority shall demonstrate to the satisfaction of the state board that it is acting in good faith and doing all that is possible and reasonable to control and prevent air pollution within its jurisdictional boundaries and to carry out the purposes of this chapter.

New section.

Sec. 52. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Hearing upon  
activation of  
authority con-  
ducted by state  
board.

The state board may, at any time and on its own motion, hold a hearing to determine if the activation of an authority is necessary for the prevention, abatement and control of air pollution which exists or is likely to exist in any area of the state. Notice of such hearing shall be conducted in accordance with chapter 42.32 RCW and notice shall be given at least twenty days but no more than sixty days before the time set for the hearing. If at such hearing the state board finds that air pollution exists or is likely to occur in a particular area, and that the purposes of this chapter and the public interest will be best served by the activation of an authority or a regional authority, it shall designate the boundaries of such area and set forth in a report to the appropriate county or counties recommendations for the activation of an authority or a regional authority: *Provided, however,* That if at such hearing the state board determines that the activation of an authority or a regional authority or the enactment of ordinances or resolutions relating to air pollution by individual cities, towns, or counties is not practical

or feasible for the reason that a local or regional air pollution control program cannot be successfully established or operated due to unusual circumstances and conditions, but that the control and/or prevention of air pollution is necessary for the purposes of this chapter and the public interest, it may assume jurisdiction and so declare by order. Such order shall designate the geographic area in which, and the effective date upon which, the state board will exercise jurisdiction for the control and/or prevention of air pollution. The state board shall exercise its powers and duties in the same manner as if it had assumed authority under section 56 of this 1967 amendatory act.

Assumption of  
jurisdiction by  
state board—  
Expenses.

All expenses incurred by the state board in the control and prevention of air pollution in any county pursuant to the provisions of sections 52 and 56 of this 1967 amendatory act shall constitute a claim against such county. The state board shall certify the expenses to the auditor of the county, who promptly shall issue his warrant on the county treasurer payable out of the current expense fund of the county. In the event that the amount in the current expense fund of the county is not adequate to meet the expenses incurred by the state board, the state board shall certify to the state treasurer that they have a prior claim on any money in the "liquor excise tax fund" that is to be apportioned to that county by the state treasurer as provided in RCW 82.08.170. In the event that the amount in the "liquor excise tax fund" that is to be apportioned to that county by the state treasurer is not adequate to meet the expenses incurred by the state board, the state board shall certify to the state treasurer that they have a prior claim on any excess funds from the liquor revolving fund that are to be distributed to that county as provided in RCW 66.08.190 through 66.08.220. All moneys that are collected as

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provided in this section shall be placed in the general fund in the account of the state air pollution control board.

New section.

Sec. 53. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Control of particular  
contaminant  
sources by  
state board.

If the state board finds, after public hearing upon due notice to all interested parties, that the control of a particular type or class of air contaminant source is beyond the reasonable capability of the local or regional air pollution control agencies, it may, by order, assume and retain jurisdiction over that type or class of air contaminant source, and may adopt and enforce rules and regulations to control and/or prevent the emission of air contaminants from such source.

New section.

Sec. 54. There is added to chapter 232, Laws of 1957, as last amended by chapter 27, Laws of 1963, and to chapter 70.94 RCW a new section to read as follows:

Order of state  
board activating  
authority  
—Procedure.

If, at the end of ninety days after the state board issues a report as provided for in section 52 of this 1967 amendatory act, to appropriate county or counties recommending the activation of an authority or a regional authority, such county or counties have not performed those actions recommended by the state board, and the state board is still of the opinion that the activation of an authority or regional authority is necessary for the prevention, abatement and control of air pollution which exists or is likely to exist, then the state board may, at its discretion, issue an order activating an authority or a regional authority. Such order, a certified copy of which shall be filed with the secretary of state, shall specify the participating county or counties and the effective date by which the authority or regional authority shall begin to function and exercise its powers. Any

authority or regional authority activated by order of the state board shall choose the members of its board as provided in section 21 of this 1967 amendatory act and begin to function in the same manner as if it had been activated by resolutions of the county or counties included within its boundaries. The state board may, upon due notice to all interested parties, conduct a hearing in accordance with chapter 42.32 RCW within six months after the order was issued to review such order and to ascertain if such order is being carried out in good faith. At such time the state board may amend any such order issued if it is determined by the state board that such order is being carried out in bad faith or the state board may take the appropriate action as is provided in section 56 of this 1967 amendatory act.

Sec. 55. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows: New section.

At any time after a city, town, or county has had in effect for no less than one year an ordinance or resolution dealing with the prevention, abatement or control of air pollution, or at any time after an authority or regional authority has been activated for no less than one year, the state board may, on its own motion, conduct a hearing held in accordance with chapter 42.32 RCW, upon at least thirty days but no more than sixty days notice to the public, to determine whether or not the air pollution prevention and control program of such city, town, county, authority or regional authority is being carried out in good faith and is as effective as possible under the circumstances: *Provided*, That no such hearing shall be held within one year of the effective date of this 1967 amendatory act. If at such hearing the board finds that such city, town, county, authority or regional authority is not carrying out its air pollution

Hearing on effectiveness of local control.

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control or prevention program in good faith, or is not doing all that is possible and reasonable to control and/or prevent air pollution within the geographical area over which it has jurisdiction, it shall set forth in a report to the appropriate city, town, county, authority or regional authority: (1) Its recommendations as to how air pollution prevention and/or control might be more effectively accomplished; and (2) guidelines which will assist the city, town, county, authority or regional authority in carrying out the recommendations of the state board.

New section.

Sec. 56. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Assumption of  
control by  
state board—  
Withdrawal.

(1) If, after thirty days from the time that the state board issues a report or order to a city, town, county, authority or regional authority under sections 54 and 55 of this 1967 amendatory act, such city, town, county, authority or regional authority has not taken any action which indicates that it is attempting in good faith to implement the recommendations or actions of the state board as set forth in the report or order, the state board may, by order, declare as null and void any or all ordinances, resolutions, rules or regulations of such city, town, county, authority or regional authority relating to the control and/or prevention of air pollution, and at such time the state board shall become the sole body with authority to make and enforce rules and regulations to the control and/or prevention of air pollution within the geographical area of such city, town, county, authority or regional authority. In this connection the state board may assume all those powers which are given to it by law to effectuate the purposes of this chapter. The state board may, by order, continue in effect and enforce those provisions of the ordinances, resolutions, or rules and regulations

of such city, town, county, authority or regional authority which are not less stringent than those requirements which the state board may have found applicable to the area under section 46 of this 1967 amendatory act until such time as the board adopts its own rules and regulations. Any rules and regulations promulgated and any enforcement action, as provided in section 48 of this 1967 amendatory act, taken by the state board shall be subject to the provisions of chapter 34.04 RCW as it now appears or may hereinafter be amended and subject to sections 60 and 62 of this 1967 amendatory act to the extent that they are not inconsistent with chapter 34.04 RCW.

(2) No provision of this chapter is intended to prohibit any city, town, county, authority or regional authority from reestablishing its air pollution control program which meets with the approval of the state board and which complies with the purposes of this chapter and with applicable rules and regulations and orders of the state board.

(3) Nothing in this 1967 amendatory act shall prevent the state board from withdrawing the exercise of its jurisdiction over a city, town, county, authority or regional authority upon its own motion: *Provided*, That the state board has found at a hearing held in accordance with chapter 42.32 RCW, with at least thirty days but no more than sixty days notice to the public, that the air pollution prevention and control program of such city, town, county, authority or regional authority will be carried out in good faith or that such program will do all that is possible and reasonable to control and/or prevent air pollution within the geographical area over which it has jurisdiction. Upon the withdrawal of the state board, the state board shall prescribe certain recommendations as to how air pollution prevention and/or control is to be effectively accom-

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plished and guidelines which will assist the city, town, county, authority or regional authority in carrying out the recommendations of the state board.

New section.

Sec. 57. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Emergency ac-  
tion by state  
board.

(1) Any other provisions of law to the contrary notwithstanding, if the director of the state department of health finds that any person is causing or contributing to air pollution in any part of the state, regardless of whether or not such action is taking place within the geographical area of any city, town, county, authority or regional authority which has in force an air pollution control program, and that such pollution creates an emergency which requires immediate action to protect the public health or safety, the director may issue a written order to the person or persons responsible without prior notice or hearing, directing and affording the person or persons responsible the alternative of either (a) immediately discontinuing or reducing emission of air contaminants or (b) appearing before the director (or state board) at the time and place specified in said written order for the purpose of a hearing pertaining to the alleged pollution in said written order. The responsible person or persons should be afforded not less than twenty-four hours notice of such a hearing. The order issued by the director (or state board) following such hearing shall be subject to judicial review pursuant to RCW 34.04.090 through 34.04.130. In the event that the responsible person or persons do not forthwith comply with the order issued by the director (or state board) following such hearing or timely seek judicial review thereof, the attorney general, upon request of the director (or state board), shall seek and obtain an order of the superior court of the county in which

the violation took place directing compliance with the order of the commission.

(2) Nothing in this section shall be construed to limit any power which the governor or any other officer may have to declare an emergency and act on the basis of such declaration, if such power is conferred by statute or constitutional provision, or inheres in the office.

Emergency powers of other state officers.

Sec. 58. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

(1) It is hereby declared to be the intent of the legislature of the state of Washington that any state department or agency having jurisdiction over any building, installation, or other property shall cooperate with the state board and with air pollution control agencies in preventing and/or controlling the pollution of the air in any area insofar as the discharge of the matter from or by such building, installation, or other property may cause or contribute to pollution of the air in such area. Such state department or agency shall comply with the provisions of this chapter and with any ordinance, resolution, rule or regulation issued hereunder in the same manner as any other person subject to such laws, rules or regulations.

Cooperation by state departments and agencies—Potential pollution sources—Permits.

(2) In addition to its other powers and duties prescribed by law, the state board may establish classes of potential pollution sources for which any state department or agency having jurisdiction over any building, installation, or other property, which is not located within the geographical boundaries of any city, town, county, authority or regional authority which has an air pollution control and/or prevention program in effect, shall, before discharging any matter into the air, obtain a permit from the state board for such discharge, such permits to be issued for a specified period of time to be deter-

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mined by the state board and subject to revocation if the state board finds that such discharge is endangering the health and welfare of any persons. Such permits may also be required for any such building, installation, or other property which is located within the geographical boundaries of any city, town, county, authority or regional authority which has an air pollution control and prevention program in effect if the standards set by the state board for state departments and agencies are more stringent than those of the local or regional air pollution control agency. In connection with the issuance of any permits under this section, there shall be submitted to the state board such plans, specifications, and other information as it deems relevant thereto and under such other conditions as it may prescribe.

RCW 70.94.370  
amended.

Sec. 59. Section 8, chapter 188, Laws of 1961 and RCW 70.94.370 are each amended to read as follows:

Savings—Con-  
struction.

No provision of this chapter or any recommendation of the state board or of any local or regional air pollution program is a limitation:

(1) On the power of any city, town or county to declare, prohibit and abate nuisances.

(2) On the power of the director of the state department of health to provide for the protection of the public health under any authority presently vested in that office or which may be hereafter prescribed by law.

(3) On the power of a state agency in the enforcement, or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(4) On the right of any person to maintain at any time any appropriate action for relief against any air pollution.

New section.

Sec. 60. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Notwithstanding the existence or use of any other remedy, whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, or any rule, regulation or order issued thereunder, the governing body or board or the state board, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

Restraining  
orders—In-  
junctions.

Sec. 61. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

Any person who violates any of the provisions of this 1967 amendatory act, or any ordinance, resolution, rule or regulation in force pursuant thereto, other than section 33 of this 1967 amendatory act, 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 thousand dollars, or by imprisonment for a term of not more than one year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

Penalties.

Any person who wilfully violates section 33 of this 1967 amendatory act 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 thousand dollars, or by imprisonment for a term of not more than one year or by both fine and imprisonment.

Sec. 62. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

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As an additional means of enforcing this chapter, the governing body or board may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter or of any ordinance, resolution, rule or regulation adopted pursuant hereto, from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter or the ordinances, resolutions, rules or regulations, or order issued pursuant thereto, which make the alleged act or practice unlawful for the purpose of securing any injunction or other relief from the superior court as provided in section 60 of this 1967 amendatory act.

Additional  
means of en-  
forcement.

New section.

Sec. 63. There is added to chapter 232, Laws of 1957 and to chapter 70.94 a new section to read as follows:

Short title.

This chapter may be known and cited as the "Washington Clean Air Act".

Severability.

Sec. 64. If any phrase, clause, subsection or section of this 1967 amendatory act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this act without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid.

Construction  
of act.

Sec. 65. This 1967 amendatory act shall not be construed to create in any way nor to enlarge, diminish or otherwise affect in any way any private rights in any civil action for damages. Any determination that there has been a violation of the provisions of this 1967 amendatory act or of any ordi-

nance, rule, regulation or order issued pursuant thereto, shall not create by reason thereof any presumption or finding of fact or of law for use in any lawsuit brought by a private citizen.

Sec. 66. The following acts and parts of acts are each hereby repealed: Repeal.

(1) (a) Sections 1, 2, 6, 8, 9, 14, 15, 16, 18, 19, 21, 22, and 27, chapter 232, Laws of 1957;

(b) Sections 4, 7, 9, and 10, chapter 188, Laws of 1961;

(c) Sections 2 and 3, chapter 27, Laws of 1963.

(2) RCW 70.94.010; 70.94.020; 70.94.060; 70.94.065; 70.94.080; 70.94.090; 70.94.140; 70.94.150; 70.94.160; 70.94.180; 70.94.190; 70.94.210; 70.94.220; 70.94.330; 70.94.360; 70.94.500; 70.94.900, and 70.94.910.

Passed the Senate March 9, 1967.

Passed the House March 9, 1967.

Approved by the Governor March 21, 1967, with the exception of an item in Section 44 which was vetoed.

**NOTE: Governor's explanation of partial veto is as follows:**

"This is the Washington Clean Air Act. In my State of the State message, I urged enactment of this legislation in stating that 'no single manifestation of our prosperity, no single realization of our growth exacts such a cruel price as the pollution of our air and water. In city after city, and now in state after state, growth and success have blotted out the works of man and the genius of nature.' After careful review of this legislation, I believe Substitute Senate Bill 46, introduced at the request of the Legislative Council modified in the legislative process and approved by the Governor, represents an excellent vehicle with which to begin the effort to protect the clean air of the Pacific Northwest. I congratulate both the Legislative Council for its work over the last biennium, and the Legislature for its action in enacting the Washington Clean Air Act.

"I have vetoed an item in Section 44 which could be interpreted as making ineffective the provisions dealing with appointment of members of the Air Pollution Control Board until after the terms of the present members expire. The legislature has designated an entirely new appointment procedure commensurate with the new responsibilities contained in Substitute Senate Bill 46. While it is not my intention to markedly alter the makeup of the Board, I believe the new procedure for selection of members should become effective at the same time as the remainder of the act.

"I have therefore vetoed the final paragraph in Section 44, and approved the remainder of the bill."

**DANIEL J. EVANS,**  
Governor.

CHAPTER 239.

[Senate Bill No. 45.]

INTERLOCAL COOPERATION ACT.

AN ACT relating to state and local governments; providing for interlocal governmental cooperation on a state, local government, and federal basis; and providing an effective date.

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

Interlocal Co-  
operation Act  
—Purpose.

Section 1. It is the purpose of this act to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

Short title.

Sec. 2. This act may be cited as the "Interlocal Cooperation Act."

Definitions.

Sec. 3. For the purposes of this act, the term "public agency" shall mean any city, town, county, public utility district, port district, or metropolitan municipal corporation of this state; any agency of the state government or of the United States; and any political subdivision of another state.

The term "state" shall mean a state of the United States.

Sec. 4. (1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that

laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a public agency.

Agreement for joint or cooperative action—Financing.

(2) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this act. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(3) Any such agreement shall specify the following:

- (a) Its duration;
- (b) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created;
- (c) Its purpose or purposes;
- (d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;
- (e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;
- (f) Any other necessary and proper matters.

(4) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items (a), (c), (d), (e) and (f) enumerated in subdivision (3) hereof, contain the following:

- (a) Provision for an administrator or a joint board responsible for administering the joint or

Interlocal Co-operation Act.

cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented;

(b) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking.

(5) No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performance may be offered in satisfaction of the obligation or responsibility.

(6) Financing of joint projects by agreement shall be as provided by law.

Agreements to be filed—Interstate agreements.

Sec. 5. Prior to its entry into force, an agreement made pursuant to this act shall be filed with the city clerk and county auditor and with the secretary of state. In the event that an agreement entered into pursuant to this act is between or among one or more public agencies of this state and one or more public agencies of another state or of the United States said agreement shall have the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest and the state may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. Such action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state.

Sec. 6. In the event that an agreement made pursuant to this act shall deal in whole or in part

with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction.

Submission of agreement for state approval.

Sec. 7. Any public agency entering into an agreement pursuant to this act may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

Participating agencies—Powers.

Sec. 8. Any joint board created pursuant to the provisions of this act is hereby authorized to accept loans or grants of federal, state or private funds in order to accomplish the purposes of this act provided each of the participating public agencies is authorized by law to receive such funds.

Receipt of loans or grants.

Sec. 9. Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform: *Provided*, That such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties.

Contracts—Limitation on powers.

Sec. 10. Nothing in this act shall be construed to increase or decrease existing authority of any public agency of this state to enter into agreements or contracts with any other public agency of this state or

Utility powers preserved.

Interlocal Co-  
operation Act.

of any other state or the United States with regard to the generation, transmission, or distribution of electricity or the existing powers of any private or public utilities.

Powers are  
supplemental.

Sec. 11. The powers and authority conferred by this act shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of any public agency.

Powers—Lim-  
itation.

Sec. 12. No power, privilege, or other authority shall be exercised under this act where prohibited by the state Constitution or the Constitution or laws of the federal government.

Submission of  
agreements to  
office of com-  
munity affairs

Sec. 13. In the event that an agreement made pursuant to this act shall deal in whole or in part with matters of land-use planning, air or water pollution, zoning, building or housing codes, or any other matter for which specific responsibility has been assigned to the *local affairs division* or the office of community affairs by legislative action, then such agreement shall be submitted to the *local affairs division* or the office of community affairs at least sixty days prior to the effective date of the agreement. The *local affairs division* or the office of community affairs may file written comments with the parties to the proposed agreement not less than fifteen days prior to the effective date of the proposed agreement. Such comments shall not be binding upon the parties to the proposed agreement but may be used by the parties to determine the advisability of adopting, rejecting or amending the proposed agreement.

Severability.

Sec. 14. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the

provision to other persons or circumstances is not affected.

Sec. 15. The effective date of this act is July 1, 1967. Effective date.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967, with the exception of three items in Section 13.

**NOTE:** Governor's explanation of partial veto is as follows:

"This legislature has faced with responsibility the problems of rapid urbanization in the state. Utilizing the excellent work of the Legislative Council as a basis, the legislature has met the challenge which I gave in my State of the State Message 'to assure that in Washington the cure is at least better than the illness and that as a government we can establish a design for urban living which will permit a maximum of individual freedom within the framework of responsible common action.' I called at that time for 'legislation which will both allow and encourage cooperative action between different classes of cities and between cities and counties, where the collective requirement exceeds the individual capacity.' Senate Bill 45 does exactly that, and the legislature should be commended for its unanimous enactment.

"The language of Section 13 was added by amendment on January 25, 1967. At that time, it was impossible to know that House Bill 78, establishing an office of community affairs, would also successively be enacted. Therefore, the language in three places in Section 13 provides that information be furnished either to the local affairs division or the office of community affairs. Senate Bill 45 will become law on July 1, 1967. On that same date, the local affairs division will no longer be in existence, its duties having been transferred to the office of community affairs. To avoid any confusion and ambiguity in the law, I believe all reference to the local affairs division should be deleted. I have therefore vetoed the reference to this division in the three places it appears in Section 13.

"With the exception of these items, which I have vetoed, the remainder of the bill is approved."

DANIEL J. EVANS,  
Governor.

## CHAPTER 240.

[Senate Bill No. 320.]

## AGRICULTURE.

AN ACT relating to agriculture; and amending sections 43.23.010 through 43.23.110, chapter 8, Laws of 1965 and RCW 43.23.010 through 43.23.110; repealing and reenacting sections 43.23.150 and 43.23.160, chapter 8, Laws of 1965 and RCW 43.23.150 and 43.23.160; adding new sections to chapter 8, Laws of 1965 and chapter 43.23 RCW; amending sections 1, 2, 3 and 20, chapter 221, Laws of 1961 and RCW 15.13.010, 15.13.020, 15.13.030 and 15.13.200; adding new sections to chapter 221, Laws of 1961 and to chapter 15.13 RCW; amending section 15.24.010, chapter 11, Laws of 1961 as amended by section 1, chapter 145, Laws of 1963, and RCW 15.24.010; amending section 15.24.020, chapter 11, Laws of 1961 as amended by section 2, chapter 145, Laws of 1963, and RCW 15.24.020; amending section 15.24.030, chapter 11, Laws of 1961 as amended by section 3, chapter 145, Laws of 1963, and RCW 15.24.030; amending section 15.24.040, chapter 11, Laws of 1961 as amended by section 4, chapter 145, Laws of 1963, and RCW 15.24.040; amending section 15.24.090, chapter 11, Laws of 1961 as amended by section 6, chapter 145, Laws of 1963, and RCW 15.24.090; amending section 15.24.100, chapter 11, Laws of 1961 as amended by section 7, chapter 145, Laws of 1963, and RCW 15.24.100; amending sections 15.24.050 and 15.24.110, chapter 11, Laws of 1961 and RCW 15.24.050 and 15.24.110; amending section 6, chapter 44, Laws of 1965 extraordinary session and RCW 15.44.033; amending section 15.50.020, chapter 11, Laws of 1961 and RCW 15.50.020; amending sections 6 and 10, chapter 31, Laws of 1965 extraordinary session and RCW 15.53.9018 and 15.53.9026; amending sections 1, 22 and 29, chapter 54, Laws of 1959 and RCW 16.57.010, 16.57.220, and 16.57.290; and adding new sections to chapter 54, Laws of 1959 and to chapter 16.57 RCW; amending section 4, chapter 117, Laws of 1943 and RCW 19.32.050; amending section 1, chapter 139, Laws of 1959 as amended by section 1, chapter 232, Laws of 1963 and RCW 20.01.010; amending section 3, chapter 139, Laws of 1959 and RCW 20.01.030; adding new sections to chapter 139, Laws of 1959 and to chapter 20.01 RCW; amending section 1, chapter 124, Laws of 1963 and RCW 22.09.010; amending section 5, chapter 137, Laws of 1937 and RCW 69.12.050; amending section 9, chapter 190, Laws of 1939 and RCW 69.16.050; amending section 10, chapter 112, Laws of 1939 and RCW 69.20.040; and amending sections 10 and 14, chapter 193, Laws of

1955 and RCW 69.24.220 and 69.24.260; and making effective dates.

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

Section 1. Section 43.23.010, chapter 8, Laws of 1965 and RCW 43.23.010 are each amended to read as follows:

RCW 43.23.010 amended.

The department of agriculture shall be organized into six divisions, to be known as, (1) the division of agricultural development, (2) the division of plant industry, (3) the division of animal industry, (4) the division of dairy and food, (5) the division of grain and agricultural chemicals, and (6) the division of regulatory services.

Department of agriculture—  
Divisions.

The director of agriculture shall have charge and general supervision of the department and may assign the supervision and administration duties not specified herein to the division which in his judgment can most efficiently carry on those functions.

Sec. 2. Section 43.23.020, chapter 8, Laws of 1965 and RCW 43.23.020 are each amended to read as follows:

RCW 43.23.020 amended.

The director of agriculture shall appoint and deputize an assistant director to be known as the supervisor of agricultural development, who shall have charge and supervision of the division of agricultural development.

Supervisor of agricultural development.

With the approval of the director, he may appoint and employ such inspectors and clerical and other assistants, as may be necessary to carry on the work of the division.

Sec. 3. Section 43.23.030, chapter 8, Laws of 1965 and RCW 43.23.030 are each amended to read as follows:

RCW 43.23.030 amended.

The director of agriculture, through the division of agricultural development, shall exercise all the powers and perform all the duties relating to the

Powers and duties.

Department of agriculture.

development of markets, state and federal cooperative marketing programs, land utilization for agricultural purposes, water resources, transportation, and farm labor as such matters relate to the production, distribution and sale of agricultural commodities.

RCW 43.23.040 amended.

Sec. 4. Section 43.23.040, chapter 8, Laws of 1965 and RCW 43.23.040 are each amended to read as follows:

Supervisor of plant industry.

The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of plant industry, who shall have charge and supervision of the division of plant industry.

With the approval of the director, he may appoint and deputize such inspectors and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

RCW 43.23.050 amended.

Sec. 5. Section 43.23.050, chapter 8, Laws of 1965 and RCW 43.23.050 are each amended to read as follows:

Powers and duties.

The director of agriculture, through the division of plant industry, shall:

(1) Exercise all the powers and perform all the duties prescribed by law relating to horticulture, and horticultural plants and products;

(2) Enforce and supervise the administration of all laws relating to horticulture, horticultural products, and horticultural interests.

RCW 43.23.060 amended.

Sec. 6. Section 43.23.060, chapter 8, Laws of 1965 and RCW 43.23.060 are each amended to read as follows:

Supervisor of animal industry.

The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of animal industry, who shall have charge and supervision of the division of animal industry. Such supervisor of animal industry shall be an experienced veterinarian.

With the approval of the director, he may appoint and deputize such veterinarians, testers, and inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

Sec. 7. Section 43.23.070, chapter 8, Laws of 1965 and RCW 43.23.070 are each amended to read as follows:

RCW 43.23.070 amended.

The director of agriculture, through the division of animal industry, shall exercise all the powers and perform all duties prescribed by law relating to diseases among domestic animals and the quarantine and destruction of diseased animals.

Powers and duties.

He shall enforce and supervise the administration of all laws relating to meat inspection, the prevention, detection, control and eradication of diseases of domestic animals, and all other matters relative to the diseases of livestock and their effect upon the public health.

Sec. 8. Section 43.23.080, chapter 8, Laws of 1965 and RCW 43.23.080 are each amended to read as follows:

RCW 43.23.080 amended.

The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of dairy and food, who shall have charge and supervision of the division of dairy and food.

Supervisor of dairy and food —Appointment, etc.

With the approval of the director, he may appoint and deputize such inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

Sec. 9. Section 43.23.090, chapter 8, Laws of 1965 and RCW 43.23.090 are each amended to read as follows:

RCW 43.23.090 amended.

The director of agriculture, through the division of dairy and food, shall exercise all powers and perform all duties prescribed by law with respect to the inspection of foods, food products, drinks, milk and

Powers and duties.

Department of agriculture.

milk products, and dairies and dairy products and the components thereof.

He shall enforce and supervise the administration of all laws relating to foods, food products, drinks, milk and milk products, dairies and dairy products, and their inspection, manufacture, and sale.

RCW 43.23.100 amended.

Sec. 10. Section 43.23.100, chapter 8, Laws of 1965 and RCW 43.23.100 are each amended to read as follows:

Supervisor of grain and agricultural chemicals.

The director of agriculture shall appoint and depute an assistant director, to be known as the supervisor of grain and agricultural chemicals, who shall have charge and supervision of the division of grain and agricultural chemicals.

With the approval of the director, he may appoint and depute such inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

RCW 43.23.110 amended.

Sec. 11. Section 43.23.110, chapter 8, Laws of 1965 and RCW 43.23.110 are each amended to read as follows:

Powers and duties.

The director of agriculture, through the division of grain and agricultural chemicals, shall exercise all powers and perform all duties prescribed by law with respect to grains, grain and hay products, grain and terminal warehouses in relation thereto, commercial feeds, commercial fertilizers, and chemical pesticides.

He shall enforce and supervise the administration of all laws relating to grains, grain and hay products, grain and terminal warehouses in relation thereto, commercial feeds, commercial fertilizers, and chemical pesticides.

RCW 43.23.150 repealed and reenacted.

Sec. 12. Section 43.23.150, chapter 8, Laws of 1965 and RCW 43.23.150 are each repealed and reenacted to read as follows:

The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of regulatory services, who shall have charge and supervision of the division of regulatory services.

Supervisor of regulatory services.

The director, subject to the provisions of chapter 41.06 RCW, may appoint and deputize such assistants, officers, inspectors and other employees as may be necessary to carry on the work of the division, and all such officers so appointed shall have the authority generally vested in a peace officer.

Sec. 13. Section 43.23.160, chapter 8, Laws of 1965 and RCW 43.23.160 are each repealed and reenacted to read as follows:

RCW 43.23.160 repealed and reenacted.

The director of agriculture, through the division of regulatory services shall exercise all the powers and perform all the duties prescribed by law relating to commission merchants, livestock identification, livestock brand registration and inspection.

Powers and duties.

He shall enforce and supervise the administration of all laws relating to commission merchants, livestock identification and shall have the power to enforce all laws relating to any division under the supervision of the director of agriculture.

Sec. 14. There is added to chapter 8, Laws of 1965 and to chapter 43.23 RCW a new section to read as follows:

New section.

The director of agriculture may appoint an assistant director to act as deputy director who shall assist the director in the administration of the affairs of the department and who shall have charge and general supervision of the department in the absence or disability of the director.

Assistant director of agriculture.

Sec. 15. There is added to chapter 8, Laws of 1965 and to chapter 43.23 RCW a new section to read as follows:

New section.

The director may, at his discretion, reassign any

Department of  
agriculture.  
Director's  
power to reas-  
sign divisions  
—Additional  
divisions.

of the functions delegated to the various divisions of the department under the provisions of this chapter or any other law to any other division of the department. The director of agriculture may, if it will best serve the said public interest as herein described, establish when necessary additional divisions by adopting the necessary regulations in the manner provided for under chapter 34.04 RCW as enacted or hereafter amended. Such additional divisions shall have the same authority and powers as those divisions specifically named and established under the provisions of this chapter. The director may assign one or more of the various functions assigned to those divisions specifically named under the provisions of this chapter to said divisions established by regulation, or any other duties hereafter delegated to the department by law.

RCW 15.13.010  
amended.

Sec. 16. Section 1, chapter 221, Laws of 1961 and RCW 15.13.010 are each amended to read as follows:

For the purpose of this chapter:

Horticultural  
plants and fa-  
cilities—In-  
spection and  
licensing—  
Definitions.

(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, firm, partnership, corporation, company, society and association, and every officer, agent or employee thereof.

(4) "Horticultural plant" includes, but is not limited to, any horticultural, floricultural, viticultural, and olericultural plant, for planting, propagation or ornamentation growing or otherwise, and any part of such horticultural plant used for reproduction or propagation purposes.

(5) "Horticultural facilities" means, but is not limited to, the premises where horticultural plants are grown, stored, handled or delivered for sale or transportation, and all vehicles and equipment,

whether aerial or surface, used to transport such horticultural plants.

(6) "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 in any plant or parts thereof, or any processed, manufactured, or other products of plants.

(7) "Inspection and/or certification" means, but is not limited to, the inspection of any horticultural plants at any time prior to, during, or subsequent to harvest, by the director, and the issuance by him of a written certificate stating the grades, classifications, and if such horticultural plants are free of plant pests and in compliance with all the provisions of this chapter and rules adopted hereunder.

(8) "Nurseryman" means any person who sells only horticultural plants which he has grown: *Provided*, That such person shall not be classified as a "nurseryman" if he sells less than one hundred dollars worth of horticultural plants he has grown during the license period he is licensed for, and as such may at the end of such license period apply for a refund of the license fee he paid for such license period. Such refund shall be made on forms supplied by the director and shall be attested to before a notary public by the applicant.

(9) "Nurseryman dealer" means any person, who in addition to the horticultural plants which he has grown purchases horticultural plants for the purpose of resale.

(10) "Nursery stock dealer" includes any person who does not grow horticultural plants, but who purchases, receives or handles horticultural plants,

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agriculture.

(a) for the purpose of sale, (b) for planting for another person, or to use as an inducement for the sale of another product.

(11) "Agent" means a representative of any person licensed under this chapter who takes orders for horticultural plants, to be delivered at a later date, away from the location where such licensee is licensed to operate.

RCW 15.13.020  
amended.

Sec. 17. Section 2, chapter 221, Laws of 1961 and RCW 15.13.020 are each amended to read as follows:

The director shall enforce the provisions of this chapter and he may adopt any rule necessary to carry out its purpose and provisions including but not limited to the following:

(1) The director may adopt rules establishing grades and/or classifications for any horticultural plant and standards for such grades and/or classifications.

(2) The director may adopt rules for the inspection and/or certification of any horticultural plant as to variety, quality, size and freedom from plant pests.

(3) The director shall adopt rules establishing fees for inspection of horticultural plants and methods of collection thereof.

(4) The director shall when adopting rules or regulations under the provisions of this chapter, hold a public hearing and satisfy all the requirements of chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended, concerning the adoption of rules and regulations.

RCW 15.13.030  
amended.

Sec. 18. Section 3, chapter 221, Laws of 1961 and RCW 15.13.030 are each amended to read as follows:

Horticultural  
plants and fa-  
cilities—En-  
forcement—  
Rules and  
regulations.

On and after July 1, 1961 no person shall act as a nurseryman, nurseryman dealer, or nursery stock dealer, without a license for each place of business, or as an agent without a license. Any person applying for such a license shall file an application

with the director on or before July 1st of each year. Such application shall be accompanied by the following license fee:

- (1) Nurseryman, fifteen dollars,
- (2) Nurseryman dealer, twenty dollars,
- (3) Nursery stock dealer, fifteen dollars,
- (4) Agent, fifteen dollars.

Any license provided for in this section shall expire on June 30th following issuance unless it has been revoked or suspended prior thereto by the director for cause.

Licenses—Fees  
—Expiration.

Sec. 19. Section 20, chapter 221, Laws of 1961 and RCW 15.13.200 are each amended to read as follows:

RCW 15.13.200  
amended.

All fees collected under the provisions of this chapter shall be paid to the state treasurer to be deposited in the nursery inspection account in the state general fund as provided in RCW 43.79.330 to be used only for the enforcement of this chapter. All moneys collected under the provisions of chapter 15.12 and remaining in such nursery inspection account on July 1, 1961 shall be used for the enforcement of this chapter. All moneys in such nursery inspection account shall be subject to the provisions of RCW 43.79.334.

Fees—Nursery  
inspection ac-  
count—Use.

Sec. 20. There is added to chapter 221, Laws of 1961 and to chapter 15.13 RCW a new section to read as follows:

New section.

If any application for renewal of nursery, nurseryman dealer, nursery stock dealer or agents license is not filed prior to July 1st in any year, an additional charge of fifty percent shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: *Provided*, That such additional assessment shall not apply if the applicant furnishes an affidavit certifying that he has not acted as a nurseryman,

Late filing for  
renewal—  
Additional  
charges.

Department of agriculture.

nurseryman dealer, nursery stock dealer or agent subsequent to the expiration of his prior license.

New section.

Sec. 21. There is added to chapter 221, Laws of 1961 and to chapter 15.13 RCW a new section to read as follows:

Horticultural plants and facilities—Inspection and certification fees.

The director shall prescribe, in addition to those costs provided for in RCW 15.13.090, any other necessary fees to be charged the owner or his agent for the inspection and certification of any horticultural plant subject to the provisions of this chapter, or rules adopted hereunder, and for the inspection and certification when such inspection and certification is performed at the request of any person financially interested in any horticultural plants which are, or are not subject to the provisions of this chapter or rules adopted hereunder, produced in or imported into this state. The inspection fees provided for in this chapter shall become due and payable by the end of the next business day and if such are not paid within the prescribed time, the director may withdraw inspection or refuse to perform any inspection or certification service for the person in arrears: *Provided*, That in such instances the director may demand and collect inspection and certification fees prior to inspecting and certifying any horticultural plants for such person.

RCW 15.24.010 amended.

Sec. 22. Section 15.24.010, chapter 11, Laws of 1961 as amended by section 1, chapter 145, Laws of 1963 and RCW 15.24.010 are each amended to read as follows:

Apple advertising commission—Definitions.

As used in this chapter:

(1) "Commission" means the Washington state apple advertising commission;

(2) "Ship" means to load apples into a conveyance for transport, except apples being moved from the orchard where grown to a packing house or warehouse within the immediate area of production;

(3) "Handler" means any person who ships or initiates a shipping operation, whether for himself or for another;

(4) "Dealer" means any person who handles, ships, buys, or sells apples, or who acts as sales or purchasing agent, broker, or factor of apples;

(5) "Processor" and "processing plant" means every person to whom and every place to which apples are delivered for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;

(6) "Processing apples" means all apples delivered to a processing plant for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;

(7) "Fresh apples" means all apples other than processing apples;

(8) "Director" means the director of the department of agriculture or his duly authorized representative;

(9) "District No. 1" includes the counties of Chelan, Okanogan, and Douglas;

(10) "District No. 2" includes the counties of Kittitas, Yakima, Benton, and Franklin;

(11) "District No. 3" includes all counties in the state not included in the first and second districts; and

(12) "Executive officer" includes, but is not limited to, the principal management executive, sales manager, general manager, or other executive employee of similar responsibility and authority.

Sec. 23. Section 15.24.020, chapter 11, Laws of 1961 as amended by section 2, chapter 145, Laws of 1963 and RCW 15.24.020 are each amended to read as follows:

RCW 15.24.020  
amended.

There is hereby created a Washington state apple

Department of  
agriculture—  
Apple adver-  
tising commis-  
sion—Mem-  
bers.

advertising commission to be thus known and designated. The commission shall be composed of nine practical apple producers and four practical apple dealers. The director shall be an ex officio member of the commission without vote.

The nine producer members shall be citizens and residents of this state, over the age of twenty-five years, each of whom, either individually or as an executive officer of a corporation, firm or partnership, is and has been actually engaged in growing and producing apples within the state of Washington for a period of five years, and has during that period derived a substantial portion of his income therefrom: *Provided*, That he may own and operate an apple warehouse and pack and store apples grown by others, without being disqualified, so long as a substantial quantity of the apples handled in such warehouse are grown by him; and he may sell apples grown by himself and others so long as he does not sell a larger quantity of apples grown by others than those grown by himself. The four dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association, or cooperative organization, are and have been actively engaged as dealers in apples within the state of Washington for a period of five years, and are citizens and residents of this state. The qualifications of members of the commission as herein set forth must continue during their term of office.

RCW 15.24.030  
amended.

Sec. 24. Section 15.24.030, chapter 11, Laws of 1961 as amended by section 3, chapter 145, Laws of 1963, and RCW 15.24.030 are each amended to read as follows:

Thirteen persons with the qualifications stated in RCW 15.24.020 as amended in section 23 of this 1967 amendatory act shall be elected members of said commission. Four of the grower members, being po-

sitions one, two, three and four, shall be from district No. 1, at least one of whom shall be a resident of and engaged in growing and producing apples in Okanogan county; four of the grower members, being positions five, six, seven and eight, from district No. 2; and one grower member, being position nine from district No. 3. Two of the dealer members, being positions ten and eleven, shall be from district No. 1; and two of the dealer members, being positions twelve and thirteen, shall be from district No. 2.

Election of  
members—  
Terms—Dis-  
trict subdivi-  
sions—Meet-  
ings.

The commission shall have authority in its discretion to establish by regulation one or more subdivisions of district No. 1 and one or more subdivisions of district No. 2; provided that each of the same includes a substantial apple producing district or districts, and provided the same does not result in an unfair or unequitable voting situation or an unfair or unequitable representation of apple growers on said commission. In such event each of said subdivisions shall be entitled to be represented by one of the said grower members of the commission, who shall be elected by vote of the qualified apple growers in said subdivision of said district, and who shall be a resident of and engaged in growing and producing apples in said subdivision.

The regular term of office of the members of the commission shall be three years from March 1 following their election and until their successors are elected and qualified. The commission shall hold its annual meeting during the month of March each year for the purpose of electing officers and the transaction of other business and shall hold such other meetings during the year as it shall determine.

Sec. 25. Section 15.24.040, chapter 11, Laws of 1961 as amended by section 4, chapter 145, Laws of 1963, and RCW 15.24.040 are each amended to read as follows:

RCW 15.24.040  
amended.

Department of  
agriculture—  
Apple adver-  
tising commis-  
sion—Members  
—Nominations  
—Method of  
election.

The director shall call a meeting of apple growers in each of the three districts and meetings of apple dealers in district No. 1 and district No. 2 for the purpose of nominating their respective members of the commission, when a term is about to expire, or when a vacancy exists, except as provided in RCW 15.24.050, as amended, at times and places to be fixed by the commission. Said meetings shall be held not later than February 15th of each year and insofar as practicable, the said meetings of the growers shall be held at the same time and place as the annual state and district meetings of the Washington state horticultural association and its affiliated clubs, but not while the same are in actual session. Public notice of such meetings shall be given by the commission in such manner as it may determine: *Provided*, That nonreceipt of the notice by any interested person shall not invalidate the proceedings. Any qualified person may be nominated orally for such positions at the said respective meetings. Nominations may also be made within five days after any such meeting by written petition filed in the Wenatchee office of the commission, signed by not less than five apple growers or dealers, as the case may be, residing within the district or within the subdivision if the nomination is made from a subdivision.

The members of the commission shall be elected by secret mail ballot under the supervision of the director: *Provided*, That in any case where there is but one nomination for a position, a secret mail ballot shall not be conducted or required and the director shall certify the candidate to be elected. Grower members of the commission shall be elected by a majority of the votes cast by the apple growers in the respective districts or subdivisions thereof, as the case may be, each grower who operates a commercial producing apple orchard, whether an indi-

vidual proprietor, partnership, joint venture, or corporation, being entitled to one vote. As to bona fide leased or rented orchards, only the lessee-operator, if otherwise qualified, shall be entitled to vote. An individual commercial orchard operator, if otherwise qualified, shall be entitled to vote as such, even though he is also a member of a partnership or corporation which votes for other apple acreage. Dealer members of the commission shall be elected by a majority of the votes cast by the apple dealers in the respective districts, each dealer being entitled to one vote. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

Sec. 26. Section 15.24.050, chapter 11, Laws of 1961 and RCW 15.24.050 are each amended to read as follows:

RCW 15.24.050  
amended.

In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, such position until the next annual meeting shall be filled by vote of the remaining members of the commission. At such annual meeting a commissioner shall be elected to fill the balance of the unexpired term.

Vacancies—  
Quorum—  
Compensation.

A majority of the voting members shall constitute a quorum for the transaction of all business and the carrying out of the duties of said commission.

No member of the commission shall receive any salary or other compensation, but each member shall receive a sum to be determined by the commission but not more than twenty dollars per day for each day spent in actual attendance on or traveling to and from meetings of the commission, or on special assignment for the commission, together with actual expenses incurred in carrying out the provisions of this chapter.

RCW 15.24.090  
amended.

Sec. 27. Section 15.24.090, chapter 11, Laws of 1961 as amended by section 6, chapter 145, Laws of 1963, and RCW 15.24.090 are each amended to read as follows:

Agriculture—  
Apple adver-  
tising commis-  
sion—Report  
to director—  
Increased as-  
sessments.

If it appears from investigation by the commission that the revenue from the assessment levied on fresh apples hereunder is inadequate to accomplish the purposes of this chapter the commission shall adopt a resolution setting forth the necessities of the industry, extent and probable cost of the required research, market promotion and advertising, extent of public convenience, interest and necessity, and probable revenue from the assessment levied. It shall thereupon increase the assessment to such sum as shall be determined by the commission to be necessary for such 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 become effective sixty days after such resolution is adopted: *Provided*, That no increase in such assessment shall become effective unless the same 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 growers voting thereon 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 mail ballot, if the same be favorable to such increase, the commission shall nevertheless exercise its independent judgment and discretion as to whether or not to approve such increase: *And provided further*, That in any event such increase shall not amount to more than two cents per one hundred pounds of apples, gross billing weight, in any one year.

Sec. 28. Section 15.24.100, chapter 11, Laws of 1961 as amended by section 7, chapter 145, Laws of 1963, and RCW 15.24.100 are each amended to read as follows:

RCW 15.24.100 amended.

There is hereby levied upon all fresh apples grown annually in this state, and all apples packed as Washington apples, an assessment of twelve cents on each one hundred pounds gross billing weight, plus such annual increases thereof as are imposed pursuant to the provisions of RCW 15.24.090. All moneys collected hereunder shall be expended to effectuate the purpose and objects of this chapter.

Assessments.

Sec. 29. Section 15.24.110, chapter 11, Laws of 1961 and RCW 15.24.110 are each amended to read as follows:

RCW 15.24.110 amended.

The assessments on fresh apples shall be paid, or provision made therefor satisfactory to the commission, prior to shipment, and no fresh apples shall be carried, transported, or shipped by any person or by any carrier, railroad, truck, boat, or other conveyance until the assessment has been paid or provision made therefor satisfactory to the commission.

Collection of assessments.

The commission shall by rule or regulation prescribe the method of collection, and for that purpose may require stamps to be known as "apple advertising stamps" to be purchased from the commission and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets.

Sec. 30. Section 6, chapter 44, Laws of 1965 extraordinary session and RCW 15.44.033 are each amended to read as follows:

RCW 15.44.033 amended.

Producer members of the commission shall be nominated and elected by producers within the district that such producer members represent in the year in which a commission member's term shall expire. Such producer members receiving the larg-

Agriculture—  
Dairy products  
commission—  
Nomination  
and election  
procedure.

est number of the votes cast in the respective districts which they represent shall be elected. The election shall be by secret mail ballot and under the supervision of the director.

Nomination for candidates to be elected to the commission shall be conducted by mail by the director. Such nomination forms shall be mailed by the director to each producer in a district where a vacancy is about to occur. Such mailing shall be made on or after April 1st, but not later than April 10th of the year the commission vacancy will occur. The nomination form shall provide for the name of the producer being nominated and the names of five producers nominating such nominee. The producers nominating such nominee shall affix their signatures to such form and shall further attest that the said nominee meets the qualifications for a producer member to serve on the commission and that he will be willing to serve on the commission if elected.

All nominations as provided for herein shall be returned to the director by April 30th, and the director shall not accept any nomination postmarked later than midnight April 30th, nor place the candidate thereon on the election ballot.

Ballots for electing members to the commission will be mailed by the director to all eligible producers no later than May 15th, in districts where elections are to be held and such ballots to be valid shall be returned postmarked no later than May 31st of the year mailed, to the director in Olympia.

Whenever producers fail to file any nominating petitions, the director shall nominate at least two, but not more than three, qualified producers and place their names on the secret mail election ballot as nominees: *Provided*, That any qualified producer may be elected by a write-in ballot, even though said producer's name was not placed in nomination for such election.

Sec. 31. Section 15.50.020, chapter 11, Laws of 1961 and RCW 15.50.020 are each amended to read as follows:

RCW 15.50.020 amended.

No person shall sell, offer for sale, hold for sale, barter, trade or knowingly transport within this state any Irish potatoes either whole or in part for seed, propagating or reproduction purposes unless such potatoes are in new containers and are accompanied by a certificate stating that such potatoes are not infected with bacterial ring rot, powdery scab, blackwort, nematode and/or more than one percent net necrosis associated with leaf roll, and/or more than one percent blackleg and/or more than three percent deep pitted scab and/or the general infection of light scab affecting ten percent or more of the tubers by weight and/or any other insect, pests or plant disease or diseases which may impair or endanger the production of Irish potatoes in this state.

Irish seed potatoes—Prohibitions.

**NOTE:** The above section was amended by the Legislature, but such action was nullified by the Governor's veto of this section. See page 1327 for Governor's explanation.

**NOTE:** See also section 1, chapter 179, Laws of 1967.

Sec. 32. Section 6, chapter 31, Laws of 1965 extraordinary session and RCW 15.53.9018 are each amended to read as follows:

RCW 15.53.9018 amended.

(1) On or after October 1, 1965, there shall be due and owing to the department an inspection fee of four cents per ton on all commercial feed distributed in this state. Such inspection fee shall be paid by any person who distributes twenty-five tons or more of commercial feed in this state in any calendar year: *Provided*, That when more than one person is involved in the distribution of a commercial feed, the person who distributes to the consumer is responsible for reporting the tonnage and paying the inspection fee unless the report and payment have been made by a prior distributor of the feed: *And provided further*, That no inspection fee shall

Agriculture—Commercial feed—Inspection fee.

Agriculture—  
Commercial  
feed—Inspection  
fee.

be paid on that part of any commercial feed on which an inspection fee has been paid to the department, or any commercial feed which is shipped out of state.

(2) The distributor of any commercial feed to a consumer in this state shall:

(a) File, not later than the last day of January, April, July, and October of each year, a quarterly statement under oath, setting forth the number of net tons of commercial feed distributed in this state during the preceding calendar quarter; and upon filing such statement shall pay the inspection fee at the rate stated in subsection (1) hereof: *Provided*, That upon permission of the department, an annual statement under oath may be filed by any person distributing within the state less than twenty-five tons per quarter during any calendar year, and upon filing such statement such person shall pay the inspection fee at the rate stated in subsection (1) hereof;

(b) Keep such reasonable and practical records as may be necessary or required by the department to indicate accurately the tonnage of commercial feed distributed in this state, and the department shall have the right to examine such records to verify statements of tonnage.

Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute a violation of this chapter.

(3) Inspection fees which are due and owing and have not been remitted to the department within thirty days following the due date shall have a collection fee of ten percent added to the amount due when payment is finally made. The assessment of this collection fee shall not prevent the department from taking other actions as provided for in this chapter.

(4) Any commercial feed purchased by a consumer or contract feeder outside the jurisdiction of this state and brought into this state for use shall be subject to all the provisions of this chapter, including inspection fees.

Sec. 33. Section 10, chapter 31, Laws of 1965 extraordinary session and RCW 15.53.9026 are each amended to read as follows:

RCW 15.53.9026 amended.

No person shall distribute commercial feed at retail without first having obtained an annual license from the department which shall expire on the thirty-first day of December. A separate license shall be required for each establishment or vehicle used by the applicant to sell commercial feed at retail: *Provided*, That such license shall not be required of, (1) any vehicle used by a licensee merely in delivering commercial feed, (2) any dealer as to his sales of foods for domestic household pets, such as dogs, cats, and birds, and (3) any dealer as to his sales of commercial feeds in packages of less than ten pounds.

Retail distributors license—  
Exceptions.

Sec. 34. Section 1, chapter 54, Laws of 1959 and RCW 16.57.010 are each amended to read as follows:

RCW 16.57.010 amended.

For the purpose of this chapter:

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

Identification of livestock—  
Definitions.

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

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

(4) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, poultry and rabbits: *Provided*, That livestock when used herein under the provisions of RCW 16.57.160

Agriculture—  
Identification  
of livestock.

through 16.57.200, 16.57.220 through 16.57.260, and 16.57.280 through 16.57.330 shall mean and include only cattle of whatever species, breed or age.

(5) "Brand" means a permanent fire brand or any artificial mark approved by the director to be used in conjunction with a brand or by itself.

(6) "Production record brand" means a number brand which shall be used for production identification purposes only.

(7) "Brand inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides and/or the application of any artificial identification such as back tags or ear clips necessary to preserve the identity of the livestock or livestock hides examined.

RCW 16.57.220  
amended.

Sec. 35. Section 22, chapter 54, Laws of 1959 and RCW 16.57.220 are each amended to read as follows:

Charges for  
brand inspection.

The director shall cause a charge to be made for all brand inspection required under this chapter and/or rules and regulations adopted hereunder. Such charge shall be paid to the department by the owner or person in possession of such livestock at the time of brand inspection and shall be a lien on the livestock or hides brand inspected until such charge is paid. Such charge shall be not less than twenty cents, nor more than thirty cents per head of livestock or livestock hides brand inspected and shall be set at the discretion of the director, subsequent to a hearing and satisfying the requirements of chapter 34.04 RCW (Administrative Procedure Act) for adopting rules and regulations.

RCW 16.57.290  
amended.

Sec. 36. Section 29, chapter 54, Laws of 1959 and RCW 16.57.290 are each amended to read as follows:

Estrays.

*All unbranded cattle, horses, mules, and burros and those bearing brands not recorded which are not accompanied by a certificate of permit,*

*signed by the owner of the brand when presented for inspection, are hereby declared estrays, unless other satisfactory proof of ownership is presented showing the person presenting them to be lawfully in possession. Such estrays shall be sold by the director or his representative who shall give the purchaser a bill of sale therefor.*

**NOTE:** The above section was amended by the Legislature, but such action was nullified by the Governor's veto of this section. See page 1327 for Governor's explanation.

**NOTE:** See also section 6, chapter 120, Laws of 1967 ex. sess.

Sec. 37. There is added to chapter 54, Laws of 1959 and to chapter 16.57 RCW, a new section to read as follows: New section.

Any cattle carcass, or primal part thereof, of any breed or age being transported in this state from other than a state or federal licensed and inspected slaughterhouse or common carrier hauling for such slaughterhouse, shall be accompanied by a certificate of permit signed by the owner of such carcass or primal part thereof and, if such carcass or primal part is delivered to a facility custom handling such carcasses or primal part thereof, such certificate of permit shall be deposited with the owner or manager of such custom handling facility and such certificate of permit shall be retained for a period of one year and be made available to the department for inspection during reasonable business hours. The owner of such carcass or primal part thereof shall mail a copy of the said certificate of permit to the department within ten days of said transportation. Transporting cattle carcass or primal part —Certificate of permit required.

Sec. 38. There is added to chapter 54, Laws of 1959 and to chapter 16.57 RCW, a new section to read as follows: New section.

Any person having a brand recorded with the department shall have a pre-emptory right to use such brand and its design under any newly approved method of branding adopted by the director. Pre-emptory right to brand.

RCW 19.32.050  
amended.

Food lockers—  
License fees—  
Annual re-  
newal.

Sec. 39. Section 4, chapter 117, Laws of 1943 and RCW 19.32.050 are each amended to read as follows:

(1) The director of agriculture shall collect with each application for a refrigerated locker license, or renewal of such license, an annual fee of ten dollars. All such license and renewal fees shall be deposited in the state's general fund.

(2) Each such license shall expire on December 31st following its date of issue, unless sooner revoked for cause. Renewal may be obtained annually by surrendering to the director of agriculture the old license certificate and paying the required annual license fee. Such license fee shall not be transferable to any person nor be applicable to any location other than that for which originally issued.

RCW 20.01.010  
amended.

Commission  
merchants—  
Definitions.

Sec. 40. Section 1, chapter 139, Laws of 1959, as amended by section 1, chapter 232, Laws of 1963, and RCW 20.01.010 are each amended to read as follows:

For the purpose of this chapter:

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any horticultural, viticultural, berry, poultry, poultry product, grain including mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form by or for the producer thereof, bee, or other agricultural products, and livestock except horses, mules, and asses.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product.

(5) "Consignor" means any producer or person

who sells, ships or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale or resale.

(6) "Commission merchant" means any person who shall receive on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of such consignor, or who shall accept any farm product in trust from the consignor thereof for the purpose of resale, or who shall sell or offer for sale on commission any agricultural product, or who shall in any way handle for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a commission merchant or cash buyer, as defined in subsection (9) of this section, who solicits, contracts for or obtains from the consignor thereof, for reselling or processing, title, possession or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing.

(8) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product: *Provided*, That no broker may handle the agricultural products involved or proceeds of such sale.

(9) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession or control of any agricultural product or who contracts for the title, possession or control of any agricultural product, or who buys or agrees to buy any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of such agricultural product, in coin or currency, lawful money of the

United States. However, a cashier's check, certified check or bankdraft may be used for such payment.

(10) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, receives, contracts for or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of such business at any location other than at the principal place of business of his employer.

(11) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products: *Provided*, That any retailer may occasionally wholesale any agricultural product which he has in surplus; however, such wholesaling shall not be in excess of two percent of such retailer's gross business.

(12) "Fixed or established place of business" for the purpose of this chapter shall mean any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business and which is recognized as a permanent business at such place, and carried on as such in good faith and [not] for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, said personnel being available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, tem-

porary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

Sec. 41. Section 3, chapter 139, Laws of 1959 and RCW 20.01.030 are each amended to read as follows: RCW 20.01.030 amended.

This chapter does not apply to:

- (1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 or chapter 24.32 RCW, except as to that portion of the activities of such association or federation as involves the handling or dealing in the agricultural products of nonmembers of such organization. Licensing—Exemptions.
- (2) Any person who sells exclusively his own agricultural products as the producer thereof.
- (3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of such public livestock market's obligation.
- (4) Any retail merchant having a bona fide fixed or permanent place of business in this state.
- (5) Any person buying farm products for his own use or consumption.
- (6) Any warehouseman or grain dealer licensed under the state grain warehouse act with respect to his operation as such licensee.
- (7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his operations as such licensee.
- (8) Any person licensed under the now existing dairy laws of the state with respect to his operations as such licensee.

Sec. 42. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows: New section

Whenever a commission merchant or dealer han-

Commission  
merchants rec-  
ords—Pre-  
sumptions.

dling any agricultural products fails to carry out the provisions of RCW 20.01.370 or 20.01.380, whichever is applicable, and there is no contract in writing attested to by the consignor and the commission merchant or dealer varying the said requirements of RCW 20.01.370 or 20.01.380, it shall be prima facie evidence that the transaction involving the handling of any agricultural products between the consignor and the commission merchant or dealer was either a commission type transaction, or dealer transaction constituting an outright sale by the consignor, whichever is most favorable to the consignor. Such determination in favor of the consignor shall be based on the market price of the agricultural product in question at the time the complaint is filed against said commission merchant or dealer by the consignor: *Provided*, That if the return to the consignor is determined most favorably on a commission basis, the total commission shall not exceed ten percent, and all other charges for handling the agricultural product in question shall be figured on the basis of the actual cost of said handling.

New section.

Sec. 43. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

Licensee—Evi-  
dence of activ-  
ities.

It shall be prima facie evidence that a licensee under the provisions of chapter 20.01 RCW is acting at all time as such licensee in handling agricultural products, even though he may also be a producer of or acting in his capacity as a producer at the time he is handling such agricultural products.

RCW 69.12.050  
amended.

Sec. 44. Section 5, chapter 137, Laws of 1937 and RCW 69.12.050 are each amended to read as follows:

(1) There shall be paid to the director of agriculture with each application for a bakery license or distributor's license or for renewal of such license an annual license fee of five dollars. All such license

and renewal fees shall be deposited in the state's general fund.

Bakeries and bakery products—Licenses

(2) Each such license shall expire on December 31st following its date of issue, unless sooner revoked for cause. Renewal may be obtained annually by surrendering to the director of agriculture the old license certificate and paying the required annual license fee. Such license shall not be transferable to any person or be applicable to any location other than that for which originally issued.

Sec. 45. Section 9, chapter 190, Laws of 1939 and RCW 69.16.050 are each amended to read as follows:

RCW 69.16.050 amended.

There shall be paid to the director of agriculture with each application for a macaroni factory permit or distributor's permit or for renewal of such permit an annual fee of twenty-five dollars. All such permit and renewal fees shall be deposited in the state's general fund.

Macaroni and macaroni products—Permit.

Sec. 46. Section 10, chapter 112, Laws of 1939 and RCW 69.20.040 are each amended to read as follows:

RCW 69.20.040 amended.

There shall be paid to the director with each application for a confectioner's permit or for a renewal thereof an annual permit fee of five dollars. All such permit and renewal fees shall be deposited in the state's general fund.

Confections and confectioners—Annual permit fee.

Sec. 47. The following special funds are hereby abolished:

Certain funds abolished.

- (1) Locker license fund,
- (2) Bakery license fund,
- (3) Macaroni license fund, and
- (4) Confectioners license fund.

The effective date of this section shall be July 1, 1967.

Sec. 48. All the funds remaining in the locker license fund, bakery license fund, macaroni license fund and confectioners license fund on June 30, 1967 shall be transferred to the state's general fund.

Transfer of funds to general fund.

RCW 69.24.220  
amended.

Sec. 49. Section 10, chapter 193, Laws of 1955 and RCW 69.24.220 are each amended to read as follows:

Eggs—Seals.

The director shall provide and make available a suitable seal to be known as the Washington state egg seal; and to accomplish this end he is authorized to issue special permits allowing reasonable facsimiles of the Washington state egg seal to be imprinted on cartons, bags, or other containers used for shell eggs. The director shall from time to time prescribe rules and regulations governing the affixing of seals and the issuance, use, and cancellation of such permits or seals and he is authorized to cancel any special permit issued pursuant to this chapter or to said rules and regulations at any time whenever the director finds that a violation of the terms under which the permit was granted has occurred or a violation of any of the provisions of this chapter has occurred. The director shall have the power from time to time to establish a sum not in excess of two and one-half mills per dozen eggs which persons who purchase such gummed seals or who imprint such facsimile seals or who use the same shall pay for each seal so purchased, affixed, or imprinted and to promulgate rules and regulations relating to the time and manner of the payment of such sums. The proceeds from the sale of said seals shall be expended by the director to assist in defraying salaries and expenses incurred in the enforcement of the provisions of this chapter.

It shall be unlawful for any person to sell any eggs for human consumption within the state of Washington in previously used cartons, bags, or other containers bearing the Washington state egg seal or any similar identification whatsoever, except the same is obliterated or defaced.

RCW 69.24.260  
amended.

Sec. 50. Section 14, chapter 193, Laws of 1955 and RCW 69.24.260 are each amended to read as follows:

It shall be unlawful to sell eggs for human con-

sumption without notifying the consumer of the exact grade or quality and size or weight of the eggs according to the standards prescribed by the director by stamping or printing on the container of the eggs such grade or quality and size or weight or if the eggs are offered for sale in bulk, without displaying in a conspicuous place on the container from which they are offered or exposed for sale, a sign printed in letters not less than two inches high, giving the grade, quality, size and weight, and without placing a state egg seal upon each container in which eggs are sold or delivered at retail. The provisions of this section shall not apply to a person selling eggs of his own production except when they are sold at retail to the consumer: *Provided*, That this section, except the provisions relating to egg seals, shall not affect the sale of eggs by the producer when the consumer purchases and receives them at the place of production.

Eggs—Notice of grade or quality, size or weight.

Sec. 51. Section 1, chapter 124, Laws of 1963 and RCW 22.09.010 are each amended to read as follows:

RCW 22.09.010 amended.

For the purpose of this chapter:

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

Agricultural commodities warehouses—Definitions.

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

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, port district, or two or more persons having a joint or common interest.

(4) "Agricultural commodities", hereinafter referred to as commodities, means, but is not limited to, all the grains, hay, peas, hops, grain and hay products, beans, lentils, corn, sorghums, malt, peanuts, flax, and other similar agricultural products, and shall also include agricultural seeds but only when stored by a warehouseman who issues negotiable warehouse receipts therefor.

Agricultural  
commodities  
warehouses—  
Definitions.

(5) "Public warehouse" hereinafter referred to as "warehouse" means any elevator, mill, warehouse, public grain warehouse, public warehouse, terminal warehouse, station, or other structure or facility in which commodities are received from the public for storage, shipment, or handling, for compensation: *Provided*, That this shall not include any warehouse storing or handling fresh fruits and/or vegetables or any warehouse used exclusively for cold storage.

(6) "Terminal warehouse" means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) "Inspection point" means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(8) "Station" means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and which are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area which can be reasonably audited by the department as a station under the provisions of this chapter and which has been established as such by the director by rule or regulation adopted pursuant to chapter 34.04 RCW.

(9) "Depositor" means any person who deposits a commodity in a warehouse for storage, handling, or shipment, or who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of such deposit.

(10) "Warehouse receipt" means a negotiable or nonnegotiable warehouse receipt as provided for in the Uniform Warehouse Receipts Act (chapter 22.04 RCW), as enacted or hereafter amended.

(11) "Warehouseman" means any person owning, operating, or controlling a warehouse.

(12) "Scaleweight ticket" means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (10) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and shall show the warehouse name, and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

Sec. 52. 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. Severability.

Passed the Senate February 27, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967, with the exception of Section 31 and Section 36 which were vetoed.

**NOTE:** Governor's explanation of partial veto is as follows:

"This bill embodies a substantial number of amendments to state laws relating to agriculture, and was introduced at the request of the state department of agriculture. I have no objections to the provisions of this bill, but for technical reasons I believe two sections should be vetoed.

"I have vetoed section 31 because this section embodies the same amendment to RCW 15.50.020 which is also contained in House Bill 142 passed by the legislature and heretofore approved by me.

"I have also vetoed section 36; because a number of words in the existing law not intended to be deleted from this section were inadvertently omitted when this bill was prepared. The omission of these words greatly changes the meaning of the section, and would cause the law to be amended in a manner not intended by the legislature. The director of agriculture agrees that it would be preferable to leave the law unchanged rather than to allow this section to become law in its present form.

"With the exception of section 31 and section 36, which I have vetoed, the remainder of Senate Bill No. 320 is approved."

**DANIEL J. EVANS,**  
Governor.

CHAPTER 241.

[Senate Bill No. 328.]

MUNICIPAL COURTS—DEPARTMENTS—CHANGE OF VENUE.

AN ACT relating to municipal courts; authorizing changes of venue; amending section 120, chapter 299, Laws of 1961 and RCW 3.66.090; amending section 35.20.100, chapter 7, Laws of 1965 and RCW 35.20.100; amending section 35.20.130, chapter 7, Laws of 1965 and RCW 35.20.130; amending section 35.20.190, chapter 7, Laws of 1965 and RCW 35.20.190; amending section 35.23.620, chapter 7, Laws of 1965 and RCW 35.23.620; adding a new section to chapter 7, Laws of 1965 and to chapter 35.22 RCW; adding a new section to chapter 7, Laws of 1965 and to chapter 35.23 RCW; adding a new section to chapter 7, Laws of 1965 and to chapter 35.24 RCW; and adding a new section to chapter 7, Laws of 1965 and to chapter 35.27 RCW.

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

RCW 3.66.090 amended.

Section 1. Section 120, chapter 299, Laws of 1961 and RCW 3.66.090 are each amended to read as follows:

Municipal courts—Justices of the peace, 1961 act—Change of venue.

A change of venue may be allowed upon motion:

- (1) Where there is reason to believe that an impartial trial cannot be had in the district or municipal court in which the action was commenced; or
- (2) Where the convenience of witnesses or the ends of justice would be forwarded by the change.

When such change is ordered, it shall be to the justice court of another district in the same county, if any, otherwise to the justice court of an adjacent district in another county: *Provided*, That where an affidavit of prejudice is filed against a judge of a municipal court the cause shall be transferred to another department of the municipal court, if one exists, otherwise to a judge pro tempore appointed in the manner prescribed by law. The court to which a case is removed on change of venue under this section shall have the same jurisdiction, either

civil or criminal to hear and determine the case as the court from which the case was removed.

Sec. 2. Section 35.20.100, chapter 7, Laws of 1965 and RCW 35.20.100 are each amended to read as follows:

RCW 35.20.100 amended.

There shall be three departments of the municipal court, provided that the legislative body of the city shall create one additional department for each additional one hundred fifty thousand inhabitants over five hundred thousand, as determined by the most recent federal or state census. The latter shall be as provided by chapter 96, section 2, Laws of 1951 as now or hereafter amended (RCW 43.62.030). *The municipal judges elected as hereinafter provided shall preside over the departments on a rotating basis with each judge to preside over each department for four months during each year. The scheduling of such rotation and the other details thereof shall be decided at the meetings of the judges as hereinafter provided for.* The departments shall be established in such places as may be provided by the legislative body of the city. A change of venue from one department of the municipal court to another department shall be allowed in accordance with the provisions of RCW 3.66.090, RCW 3.20.100 and RCW 3.20.110 in all civil and criminal proceedings.

Municipal courts—Cities over 500,000—Departments of court—Change of venue.

Sec. 3. Section 35.20.130, chapter 7, Laws of 1965 and RCW 35.20.130 are each amended to read as follows:

RCW 35.20.130 amended.

Two departments of the municipal court shall be designated as Department Nos. 2 and 3 and shall be primarily responsible for the disposition of traffic cases. Department No. 2 shall also have the responsibility for the supervision of the traffic violations bureau or similar agency of the city.

Departments 2 and 3—Traffic violation duties.

Sec. 4. Section 35.20.190, chapter 7, Laws of 1965

RCW 35.20.190 amended.

and RCW 35.20.190 are each amended to read as follows:

Municipal courts—Additional judges.

Whenever the number of departments of the municipal court is increased, the mayor of such city shall appoint a qualified person as provided in RCW 35.20.170 to act as municipal judge until the next general election. He shall be paid salaries in accordance with the provisions of this chapter and provided with the necessary court, office space and personnel as authorized herein.

New section.

Sec. 5. There is added to chapter 7, Laws of 1965 and to chapter 35.22 RCW a new section to read as follows:

First class cities—Change of venue.

A change of venue from the municipal court to either another municipal judge of the same city or to a judge pro tempore appointed in the manner prescribed by RCW 35.22.520, as now or hereafter amended, shall be allowed in accordance with the provisions of RCW 3.20.100 and 3.20.110, as now or hereafter amended, in all civil and criminal proceedings.

New section.

Sec. 6. There is added to chapter 7, Laws of 1965 and to chapter 35.23 RCW a new section to read as follows:

Second class cities—Change of venue.

A change of venue from the police judge to a judge pro tempore appointed in the manner prescribed by RCW 35.23.650, as now or hereafter amended, shall be allowed in accordance with the provisions of RCW 3.20.100 and 3.20.110, as now or hereafter amended, in all civil and criminal proceedings.

RCW 35.23.620 amended.

Sec. 7. Section 35.23.620, chapter 7, Laws of 1965 and RCW 35.23.620 are each amended to read as follows:

Second class cities—Prosecutions.

All prosecutions for the violation of any city ordinance shall be conducted in the name of the city, and may be upon the complaint of any person.

Sec. 8. There is added to chapter 7, Laws of 1965 and to chapter 35.24 RCW a new section to read as follows:

New section.

A change of venue from the police judge to a judge pro tempore appointed in the manner prescribed in RCW 35.24.480, as now or hereafter amended, shall be allowed in accordance with the provisions of RCW 3.20.100 and 3.20.110, as now or hereafter amended, in all civil and criminal proceedings.

Third class cities—Change of venue.

Sec. 9. There is added to chapter 7, Laws of 1965 and to chapter 35.27 RCW a new section to read as follows:

New section.

A change of venue from the police judge to a judge pro tempore appointed in the manner prescribed by RCW 35.27.525, as now or hereafter amended, shall be allowed in accordance with the provisions of RCW 3.20.100 and 3.20.110, as now or hereafter amended, in all civil and criminal proceedings.

Towns—Change of venue.

Sec. 10. The provisions of this 1967 amendatory act shall apply only to those cities as to which the law requires that the judge be a qualified attorney.

Application.

Sec. 11. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Passed the Senate March 9, 1967.

Passed the House March 9, 1967.

Approved by the Governor March 21, 1967, with the exception of an item in Section 2 which was vetoed.

NOTE: Governor's explanation of partial veto is as follows:

"This bill provides a much needed third department of the municipal court in Seattle. The two municipal judges now handle entirely different types of cases. One is in charge of the criminal department, and the other is in charge of traffic offenses and supervises the traffic

violations bureau. The workload of both departments of this court is so heavy that its proper administration has been a matter of concern to many lawyers and judges, as well as to members of the legislature.

"I believe that the legislature is properly concerned that the average citizen normally has his first, and perhaps his only, contact with our judicial system when he is charged with a traffic offense. These offenses are not to be treated lightly, for traffic violations are a principal cause of our mounting traffic death toll. In addition, the initial contact with the traffic court will to a large extent influence the citizen's respect for the law, which is one of the cornerstones of an orderly society.

"In this bill the legislature has attempted to improve the administration of the traffic court by rotating the three judges so that each of them will handle traffic cases two-thirds of the time and criminal cases one-third of the time. The bill also provides for a change of venue of cases from one department of the court to the other.

"I have no objection to the change of venue provisions; but based upon extensive discussions which members of my staff have had with judges and attorneys familiar with the operation of the municipal court, I believe the rotation plan might seriously disrupt the operations of the criminal department of the court and particularly its probation work.

"Therefore, I have vetoed the portion of section 2 which provides: 'The municipal judges elected as hereinafter provided shall preside over the departments on a rotating basis with each judge to preside over each department for four months during each year. The scheduling of such rotation and the other details thereof shall be decided at the meetings of the judges as hereinafter provided for.'

"Despite my veto of the above provision, I believe that the motives of legislature in seeking to improve the operations of the municipal court are commendable, and that efforts to improve the court should continue. I recommend that the Judicial Council, which will now include additional legislators and a member of the Magistrates Association, make an intensive study of the municipal court system during the next two years. If further legislation is necessary to improve its operation, the Judicial Council should submit its recommendations to the 1969 Legislature.

"Except for the item which I have vetoed, the remainder of Senate Bill No. 328 is approved."

DANIEL J. EVANS,  
Governor.

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## CHAPTER 242.

[Senate Bill No. 143.]

### ADMINISTRATION OF STATE WATER RESOURCES.

AN ACT relating to state government; providing for the administration of the state water resources; establishing a department of water resources and a water resources advisory council of the state of Washington; abolishing certain state agencies; transferring powers, duties and functions of the abolished agencies to the department of water resources or department of natural resources; granting addi-

tional powers to the department of water resources; setting forth the powers of the water resources advisory council to the department of water resources; providing for the financing of the new agency; amending section 43.17.010, chapter 8, Laws of 1965 as amended by section 20, chapter 156, Laws of 1965 and RCW 43.17.010; amending section 43.17.020, chapter 8, Laws of 1965 as amended by section 21, chapter 156, Laws of 1965 and RCW 43.17.020; and declaring an effective date.

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

Section 1. The purpose of this act is to provide for a more effective and efficient program for management, conservation, utilization, adjudication, planning and development of the water resources of the state by consolidating into a department of water resources certain powers, duties and functions now vested with various state agencies, and by providing a council of advisors to assist the director of the department.

Administra-  
tion of state  
water re-  
sources—Dec-  
laration of  
purpose.

Sec. 2. As used in this 1967 amendatory act, and unless the context indicates otherwise, words and phrases shall mean:

Definitions.

“Department” means the department of water resources;

“Director” means the director of the department of water resources;

“State agency” and “state agencies” mean any branch, department or unit of state government, however designated or constituted;

“Water resources” means all waters above, upon, or beneath the surface of the earth, located within the state and over which the state has sole or concurrent jurisdiction.

“Beneficial use” means, but its meaning shall not be limited to: Domestic water supplies; irrigation; fish, shellfish, game, and other aquatic life; recreation; industrial water supplies; generation of hydroelectric power; and navigation.

“Council” means the water resources advisory council.

Department of water resources—Creation.

Sec. 3. There is established a department of state government to be known as the department of water resources.

Director—Powers and duties.

Sec. 4. The executive head of the department shall be the director of water resources. The director shall have complete charge of and supervisory powers over the department. He shall, through the several divisions of the department, exercise all powers and perform all duties prescribed by law with respect to the adjudication, conservation, utilization, planning, development and management of the state’s waters.

The director shall be the primary representative of the governor and the state with respect to all water resources matters affecting the state, and in the exercise of his powers he shall give full consideration to the views and needs of other departments of state government.

The director shall be appointed by the governor with the consent of the senate, and be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040.

Advisory council—Members.

Sec. 5. In order to provide advice and guidance to the director of water resources, and to better coordinate the department with other state agencies having responsibilities affecting the state’s water resources, there is created a water resources advisory council. The advisory council shall be composed of eleven members to be selected as follows:

- (1) the director of the pollution control commission;
- (2) the director of the department of health;
- (3) the director of the department of fisheries;
- (4) the director of the department of water resources;

- (5) the director of the department of game; and
- (6) six other persons representing the public interest who shall be selected by the governor and serve continuously during the full length of the appointing governor's term or terms of office, and until a replacement appointment has been made. Should any vacancy occur under this subsection, a replacement appointment for the balance of the term shall be made by the governor within ninety days.

The chairman of the council shall be the director of the department of water resources, and he shall conduct the council's meetings in accordance with such rules as the council may prescribe. Complete minutes shall be taken at each regular meeting, and copies thereof shall be made available on request to any interested person.

Sec. 6. The advisory council shall meet monthly at a date, time, and place of its choice, and also at such other times as shall be designated by the director. For every meeting of the committee actually attended by a committee member who is not otherwise employed by the state or some subdivision thereof, such committee member shall receive compensation in the amount of fifty dollars per day, together with a mileage and per diem allowance as authorized for other state employees by RCW 43.03.050 and 43.03.060.

Advisory  
council—  
Meetings—  
Compensation.

Sec. 7. The department of water resources shall be organized into divisions, including:

- (1) The division of water management;
- (2) The division of planning and development;
- (3) The division of adjudications;

such divisions shall be supervised by an assistant director, appointed by and serving at the pleasure of the director.

Department of  
water re-  
sources—Divi-  
sions.

Sec. 8. The department shall exercise the powers, duties and functions, through divisions as provided

Department of water resources—Powers and duties—Transfers from other agencies.

for in section 7 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 act. 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.

Department of water resources—Additional powers.

Sec. 9. Notwithstanding, and in addition to powers, duties, and functions previously transferred to the department under this act, the department shall be empowered as follows:

- (1) To represent the state at, and fully participate in, the activities of any basin or regional commission, interagency committee, or any other joint interstate or federal-state agency, committee or commission, or publicly financed entity engaged in the planning, development, administration, management, conservation or preservation of the water resources of the state.
- (2) To prepare the views and recommendations of the state of Washington on any project, plan or

program relating to the planning, development, administration, management, conservation and preservation of any waters located in or affecting the state of Washington, including any federal permit or license proposal, and appear on behalf of, and present views and recommendations of the state at any proceeding, negotiation or hearing conducted by the federal government, interstate agency, state or other agency.

(3) To cooperate with, assist, advise and coordinate plans with the federal government and its officers and agencies, and serve as a state liaison agency with the federal government in matters relating to the use, conservation, preservation, quality, disposal or control of water and activities related thereto.

(4) To cooperate with appropriate agencies of the federal government and/or agencies of other states, to enter into contracts, and to make appropriate contributions to federal or interstate projects and programs and governmental bodies to carry out the provisions of this act.

(5) To apply for, accept, administer and expend grants, gifts and loans from the federal government or any other entity to carry out the purposes of this act and make contracts and do such other acts as are necessary insofar as they are not inconsistent with other provisions hereof.

(6) To develop and maintain a coordinated and comprehensive state water and water resources related development plan, and adopt, with regard to such plan, such policies as are necessary to insure that the waters of the state are used, conserved and preserved for the best interest of the state. There shall be included in the state plan a description of developmental objectives and a statement of the recommended means of accomplishing these objec-

Department of  
water re-  
sources—  
Additional  
powers.

tives. To the extent the director deems desirable, the plan shall integrate into the state plan, the plans, programs, reports, research and studies of other state agencies.

(7) To assemble and correlate information relating to water supply, power development, irrigation, watersheds, water use, future possibilities of water use and prospective demands for all purposes served through or affected by water resources development.

(8) To assemble and correlate state, local and federal laws, regulations, plans, programs and policies affecting the beneficial use, disposal, pollution, control or conservation of water, river basin development, flood prevention, parks, reservations, forests, wildlife refuges, drainage and sanitary systems, waste disposal, water works, watershed protection and development, soil conservation, power facilities and area and municipal water supply needs, and recommend suitable legislation or other action to the legislature, the congress of the United States, or any city, municipality, or to responsible state, local or federal executive departments or agencies.

(9) To cooperate with federal, state, regional, interstate and local public and private agencies in the making of plans for drainage, flood control, use, conservation, allocation and distribution of existing water supplies and the development of new water resource projects.

(10) To encourage, assist and advise regional, and city and municipal agencies, officials or bodies responsible for planning in relation to water aspects of their programs, and coordinate local water resources activities, programs, and plans.

(11) To promulgate such rules and regulations as are necessary to carry out the purposes of this act.

(12) To hold public hearings, and make such

investigations, studies and surveys as are necessary to carry out the purposes of the act.

(13) To subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and require the production of any books or papers when the department deems such measures necessary in the exercise of its rule-making power or in determining whether or not any license, certificate, or permit shall be granted or extended.

Sec. 10. It shall be the duty of the members of the advisory council to advise the director on each of the following subjects: Duties of advisory council.

(1) Rules and regulations proposed for promulgation by the director pursuant to chapter 34.04 RCW;

(2) Proposed positions to be taken by the department on behalf of the state before interstate and federal agencies or federal legislative bodies on matters relating to or affecting the development, use, conservation or preservation of the water resources of the state;

(3) Any comprehensive water resources plan or policy proposed for adoption by the department as a state plan for water resources;

(4) Any legislation proposed by the department with regard to water resources and its management;

(5) Any other matters relating to the administration and management of water resources as requested by the director.

Sec. 11. Each member of the council shall submit to the director in writing his individual views within such time as the director shall prescribe, and in performing its duties, the council may conduct such public hearings and make such investigations as it deems necessary. The director shall include in

Advisory  
council—De-  
partment—Re-  
ports.

his annual report to the governor a summary of the advice rendered by the council.

RCW 43.17.010  
amended.

Sec. 12. Section 43.17.010, chapter 8, Laws of 1965 as amended by section 20, chapter 156, Laws of 1965 and RCW 43.17.010 are each amended to read as follows:

State depart-  
ments.

There shall be departments of the state government which shall be known as (1) the department of public assistance, (2) the department of institutions, (3) the department of health, (4) the department of water resources, (5) the department of labor and industries, (6) the department of agriculture, (7) the department of fisheries, (8) the department of game, (9) the department of highways, (10) the department of motor vehicles, (11) the department of general administration and (12) the department of commerce and economic development, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

**NOTE:** See also section 12, chapter 26, Laws of 1967 ex. sess.

RCW 43.17.020  
amended.

Sec. 13. Section 43.17.020, chapter 8, Laws of 1965 as amended by section 21, chapter 156, Laws of 1965 and RCW 43.17.020 are each amended to read as follows:

Chief execu-  
tive officers of  
state.

There shall be a chief executive officer of each department to be known as: (1) The director of public assistance, (2) the director of institutions, (3) the director of health, (4) the director of water resources, (5) the director of labor and industries, (6) the director of agriculture, (7) the director of fisheries, (8) the director of game, (9) the director of highways, (10) the director of motor vehicles, (11) the director of general administration and (12) the director of commerce and economic development.

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

**NOTE:** See also section 13, chapter 26, Laws of 1967 ex. sess.

Sec. 14. The department of natural resources shall exercise the powers, duties, and functions of the director of the department of conservation with respect to mining powers, duties, and functions as set forth in RCW 43.21.060, 43.21.070, 43.21.080, and 43.21.090, and Title 78, and such powers, duties, and functions are hereby transferred to the department of natural resources.

Natural resources exercise of mining and geology powers.

Sec. 15. The department of natural resources shall exercise the powers, duties, and functions of the director of the department of conservation with respect to the powers, duties, and functions concerning geology as set forth in RCW 43.21.050 and Title 43.92, and such powers, duties, and functions are hereby transferred to the department of natural resources: *Provided*, That nothing in this section shall be construed to prohibit the department of water resources from making complete inventories of the state's water resources and entering into such agreements with the director of the United States geological survey as will insure that investigations and surveys are carried on in an economical manner.

Natural resources exercise of mining and geology powers.

Sec. 16. On July 1, 1967, all reports, documents, surveys, books, records, files, papers, or other writing; all cabinets, furniture, office equipment, motor

Transfer of reports, equipment, etc. of department of conservation.

vehicles and other tangible property, and all funds heretofore in possession or control, used or held in the exercise of the powers and the performance of the powers, duties, and functions transferred herein, of the department of conservation shall hereafter be in the custody of the department of water resources or the department of natural resources as appropriate. On July 1, 1967, all personnel of the department of conservation are transferred to the department of water resources or the department of natural resources. All such employees so transferred shall continue to be governed by the provisions of chapter 41.06 RCW without any loss of rights granted therein: *Provided*, That employees with six months' continuous service in exempt positions immediately prior to the effective date of this act, transferred into classified positions as a result of this act, shall receive permanent status in such positions on the effective date of this act; otherwise such employees shall be required to serve six months' probationary period from the effective date of this act.

Transfer of appropriations.

Sec. 17. The appropriations made to the agencies abolished by this act shall be transferred to and made available to the department. Appropriations for the exercise of powers, duties, and functions transferred from agencies that are not abolished by this act shall be transferred to and made available to the appropriate agency in accordance with the provisions of section 18 of this act.

Apportionment of appropriations.

Sec. 18. The transfer of equipment, funds, and appropriations from agencies that are not abolished by this 1967 amendatory act, shall be accomplished by apportionments among the several agencies based upon the size and nature of the functions to be transferred and the feasibility of segregating such equipment to the various functions. The director of the budget shall certify such apportionments

to the agencies affected and to the state auditor, the state treasurer, and department of general administration, each of whom shall make the appropriate transfers and adjustments in their funds and appropriation accounts and equipment records in accordance with such certification.

Sec. 19. All rules and regulations, and all pending business before the affected state agencies as of July 1, 1967, shall be continued and acted upon by the department of natural resources or the department of water resources, as appropriate.

Rules and regulations of abolished agencies—Savings.

Neither the abolishment nor transfer of any agency, nor any transfer of powers, duties, and functions shall affect the validity of any act performed by such agency or any officer or employee thereof prior to the taking effect of this act.

Sec. 20. On July 1, 1967, the following state agencies are abolished:

State agencies abolished.

- (1) Weather modification board
- (2) Columbia basin commission
- (3) Power advisory committee
- (4) Department of conservation

Sec. 21. If any provision of this act, or its application to any person or circumstance, is held invalid, the remainder of this act, or the application to other persons or circumstances, is not affected.

Severability.

Sec. 22. The rule of strict construction shall have no application to this 1967 amendatory act, but the same shall be liberally construed, in order to carry out the purposes and objectives for which this act is intended.

Construction.

Sec. 23. The effective date of this act will be July 1, 1967.

Effective date.

Passed the Senate February 15, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.

## CHAPTER 243.

[Senate Bill No. 49.]

## OCEANOGRAPHIC COMMISSION—OCEANOGRAPHIC INSTITUTE OF WASHINGTON.

AN ACT establishing the oceanographic commission of Washington; authorizing the formation of the Oceanographic Institute of Washington; prescribing powers, duties and functions; and providing an effective date.

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

Oceanographic  
commission—  
Purpose.

Section 1. The state of Washington is geographically endowed with a seacoast centered adjacent to a vast continental shelf area and an inland sea known as Puget Sound which constitutes the largest salt water harbor in the world. Situated in a temperate climate, this virtually unspoiled area with its developments in industrial and educational fields presents a natural base for expanding efforts to uncover and utilize the potentially rich food, oil and mineral natural resources of the western Pacific Ocean continental shelf, to locate and harvest abundant fish and marine life, to develop fish farms and aquatic agriculture through the utilization of the estuaries and bays of Puget Sound, to conduct studies of marine and aquatic life, to research and develop seafood uses and seafood processing plants, to locate a temperate zone marine laboratory, to collect and distribute living marine organisms for marine and biological research, and to conduct research into weather forecasting and modification. A permanent organization is vitally needed to fully exploit the strategic position of this state as a natural base for these activities with due regard to the ancillary needs of providing planned waterfront development, public recreation, conservation, and prevention of water pollution and to assist the University of Washington and other participating institutions in the development and operation of local and regional

programs under the National Sea Grant College and Program Act of 1966.

Sec. 2. There is created the oceanographic commission of Washington to consist of twelve members to be selected as follows: Five to be appointed by the governor from the public at large, at least one of whom shall be representative of higher education, one representative of private industry, and one representative of labor; three members of the state senate, no more than two of whom shall be members of the same political party, to be appointed by the president of the senate; and three members of the house of representatives, no more than two of whom shall be members of the same political party, to be appointed by the speaker of the house. The chairman of the state marine resources and development committee shall be an ex officio member without a vote. Members shall serve for terms of five years expiring on January 15th: *Provided*, That of the members first appointed by the governor, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. The position of any legislative member shall be deemed vacated whenever such member ceases to be a member of the house or senate from which he was appointed. Any vacancies occurring in the membership of the commission shall be filled for the remainder of the unexpired term by the appointive power of the position vacated. Members shall serve without compensation but shall be reimbursed for necessary travel and other expenses incurred in the performance of their duties as commission members on the same basis as provided *by law for state officials and employees* under RCW 44.04.120, as now or hereafter amended.

Creation—  
Composition—  
Terms—Va-  
cancies—Ex-  
penses.

Sec. 3. The commission shall by majority vote

Oceanographic  
commission—  
Officers—Em-  
ployees—Vot-  
ing.

select a chairman. The commission shall employ an executive secretary and may employ and fix the compensation of such other persons as may be necessary to carry out its powers and duties. All matters relating to payment of compensation and other expenses of the commission shall be subject to the state budget and accounting system.

The commission shall meet at least four times each year and at such other times as determined by the chairman. A majority of the members shall constitute a quorum. No member shall vote on any matter from which he would derive any direct economic benefit.

Powers and  
duties.

Sec. 4. The commission shall have the following powers, duties and functions:

(1) Encourage, assist, develop and maintain a coordinated program in oceanography for the benefit of the citizens of the state and the nation;

(2) Encourage private industrial enterprise to utilize the Puget Sound area as a base for oceanographic work;

(3) Promote national interest in Puget Sound as a base for national oceanographic programs;

(4) Assist in developing educational programs to provide the professional and technical graduates required by oceanographic expansion in the area;

(5) Undertake projects designed to inform the citizenry of the importance of oceanography to the development of the area;

(6) Assist in the study of problems of waterfront development, pollution, and parks and recreation areas for public use;

(7) Accept funds, gifts, bequests, and devisees from any lawful source given or made available for the purposes of this act, including but not limited to grants of funds made with or without a matching requirement by the federal government;

(8) Encourage, supplement and assist the devel-

opment of programs under the National Sea Grant College and Program Act of 1966 by the University of Washington and other participating educational institutions of the state and region. The programs and mission of the commission and its institute are not to be in duplication of the existing program of the University of Washington or other educational institutions of the state in oceanographic research, training or public service, or of the program developed under the National Sea Grant College and Program Act of 1966.

(9) Make annual reports to the Washington State Legislature, or to the appropriate interim committee thereof, all activities undertaken in connection with the power, duties and functions assigned in this section together with any recommendations for new legislation designed to accomplish the purposes of this act.

(10) Delegate in its discretion and to the extent permitted by the state Constitution, any of the powers and duties set forth in subsections (1) through (8) to the Oceanographic Institute of Washington formed pursuant to section 5 of this act.

Sec. 5. To facilitate the exercise of its powers, duties and functions, the members of the commission are empowered to form a nonprofit corporation under the provisions of chapter 24.04 RCW. The members of the commission shall be members and trustees of any such corporation as long as they are members of the commission. The commission members of such corporation shall accept by majority vote additional members of the corporation so that the total membership thereof including commission members shall be comprised of not less than thirteen and not more than twenty members. Any nonprofit corporation so formed shall be known and designated as the Oceanographic Institute of Washington.

Oceanographic  
institute—  
Authority.

Oceanographic  
commission—  
Institute.

The Oceanographic Institute of Washington shall, subject to the advice and consent of the commission, coordinate, promote and carry out such policies for oceanographic programs and development as may be formulated by the commission. In the coordination, promotion and carrying out of commission policies, the institute shall have in addition to powers prescribed in chapter 24.04 RCW, the power to accept, use and expend such public funds as may be lawfully made available to it for such purposes by the federal or state governments, or any political subdivision or municipal corporation, and such other powers and duties as may be lawfully delegated to it by the commission.

The institute may employ, engage and retain such staff and consultants as it deems necessary in carrying out its duties.

Severability.

Sec. 6. If any provision of this act, or its application to any person, public or private organization, or circumstance is held invalid, the remainder of this act, or the application of the provision to other persons, public or private organizations, or circumstances is not affected.

Effective date.

Sec. 7. The effective date of this act is July 1, 1967.

Passed the Senate February 27, 1967.

Passed the House February 25, 1967.

Approved by the Governor March 8, 1967, with the exception of a certain item in Section 2 which was vetoed.

**NOTE:** Governor's explanation of partial veto is as follows:

"This bill establishes the Oceanographic Commission of Washington to encourage and promote maximum utilization of our oceanographic assets. In my State of the State Message, I stated 'to assure the proper public management of our new and exciting frontier in oceanography, I will enthusiastically support the establishment of the Washington State Oceanographic Commission.' I commend the legislature for its enactment of Senate Bill No. 49 and believe that the Commission which it has established will play a vital role in the future of the State of Washington.

"In Section 2, the bill provides that members of the Commission shall serve without compensation but shall be reimbursed for necessary travel and other expenses incurred in the performance of their duties as commission members 'on the same basis as provided by law for state officials and employees under RCW 44.04.120.' The statute cited in the bill does not refer to travel and other expenses incurred by state officials or employees, but rather, refers to expenses incurred by members of the legislature while serving on interim committees. State officials and employees are reimbursed for travel and other expenses under RCW 43.03.050 and .060 at the rate of \$.08 a mile and \$15.00 a day while inside the state and \$25.00 a day while outside the state. I believe the legislature intended that those who are serving on a temporary basis while permanently engaged in other employment be reimbursed at the higher rate provided by RCW 44.04.120 of \$25.00 a day and \$.10 a mile.

"To allow the language to remain as it exists in this bill would invite challenge by the Auditor of payment of proper expenses of members of the Commission. In order to avoid any question with regard to this matter, I have vetoed the words 'by law for state officials and employees' from Section 2. The remainder of the bill is approved."

DANIEL J. EVANS,  
Governor.

## NOTICE

This page concludes the printing of  
the Laws of the 1967 Regular Session.

All Laws of the 1967 Extraordinary  
Session together with Index and Tables  
are contained in Volume 2.

AUTHENTICATION

REGULAR SESSION LAWS

I, A. Ludlow Kramer, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Regular Session of the Fortieth Legislature of the State of Washington, held from January 9, 1967, until March 9, 1967, inclusive, with the original enrolled laws, now on file in my office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [ ], as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this tenth day of December, 1967.



A. LUDLOW KRAMER,  
Secretary of State

