

distribution of funds authorized in this section on or before the tenth day of each month by prorating the funds available on such distribution dates to the school districts entitled thereto; PROVIDED, That funds otherwise distributed in the month of June of each odd-numbered year beginning with the month of June 1973 shall not be distributed until the tenth day of July of such year and shall be accounted for by the state as expenditures for the ensuing fiscal biennium.

Passed the Senate May 9, 1971.

Passed the House May 8, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

---

CHAPTER 101

[Engrossed Senate Bill No. 735]

JUNKYARDS ADJACENT TO HIGHWAYS

AN ACT Relating to junkyards adjacent to highways; and providing penalties.

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

NEW SECTION. Section 1. For the purpose of promoting the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation, and maintenance of junkyards in areas adjacent to the interstate and federal-aid primary systems within this state. The legislature hereby finds and declares that junkyards which do not conform to the requirements of this act are public nuisances.

NEW SECTION. Sec. 2. When used in this act, the term:

(1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Automobile graveyard" shall mean any establishment or place of business which is maintained, used, or operated by storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(3) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard and the term shall include garbage dumps and

sanitary fills.

(4) "Interstate system" means that portion of the national system of interstate and defense highways located within this state, as officially designated, or as may hereafter be so designated by the commission and approved by the secretary of transportation pursuant to the provisions of Title 23 United States Code.

(5) "Federal-aid primary system" means that portion of connected main highways as officially designated or as may hereafter be so designated by the commission and approved by the secretary of transportation as the federal-aid primary system pursuant to the provisions of Title 23 United States Code.

(6) "Commission" means the Washington state highway commission.

NEW SECTION. Sec. 3. No person shall establish, operate, or maintain a junkyard any portion of which is within one thousand feet of the nearest edge of the right of way of any interstate or federal-aid primary highway, except the following:

(1) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the system or otherwise removed from sight.

(2) Those located within areas which are zoned for industrial use under authority of law.

(3) Those located within unzoned industrial areas, which areas shall be determined from actual land uses and defined by regulations to be promulgated by the commission and approved by the secretary of transportation.

(4) Those which are not visible from the main-traveled way of the system.

NEW SECTION. Sec. 4. Prior to the first day of July, 1971, the highway commission shall determine whether or not the topography of the land adjoining the highway will permit adequate screening of any junkyard lawfully in existence located outside of a zoned industrial area or an unzoned industrial area as defined herein on the effective date of this act which is within one thousand feet of the nearest edge of the right of way and visible from the main-traveled way of any highway on the interstate and primary system and whether screening of such junkyard would be economically feasible. Within thirty days thereafter the commission shall notify by registered or certified mail the record owner of the land upon which such junkyard is located, or the operator thereof, of its determination.

If it is economically feasible to screen any such junkyard, the commission shall screen the same so it will not be visible from the main-traveled way of such highway. The highway commission is authorized to acquire by gift, purchase, exchange, or condemnation

such lands or interest in lands as may be required for such purposes.

In the event that it is not economically feasible to screen any such junkyard, the highway commission shall acquire by purchase, gift or condemnation an interest in the real property used for junkyard purposes which is visible from the main traveled way of such highway, restricting any owner of the remaining interest to use of such real estate for purposes other than a junkyard. In addition to compensation for such real property interest, the operator of a junkyard shall receive the actual reasonable expenses in moving his business personal property to a location within the same general area where a junkyard may be lawfully established, operated and maintained. This section shall be interpreted as in addition to all other rights and remedies of a junkyard owner or operator and shall not be interpreted as a limitation on or alteration of the law of compensation in eminent domain.

NEW SECTION. Sec. 5. The commission shall prescribe regulations for administration of this act consistent with the policy of this act and the national policy set forth in 23 U.S.C. Sec. 136, and the regulations promulgated thereunder by the secretary of transportation. Proceedings for review of any action taken by the commission pursuant to this act shall be instituted by filing a petition only in the superior court of Thurston county.

NEW SECTION. Sec. 6. Nothing in this act shall be construed to permit a person to maintain any junkyard that is otherwise prohibited by statute or by the resolution or ordinance of any county, city, or town, nor to abrogate or affect the lawful provisions of any statute, ordinance, regulation, or resolution which are more restrictive than the provisions of this act.

NEW SECTION. Sec. 7. If the owner of the land upon which any such junkyard is located, or the operator thereof as the case may be, shall fail to comply with the notice or remove any such junk within the time provided in this act after being so notified, he shall be guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling compliance with this act. Each day such junkyard shall be maintained in a manner so as not to comply with this act shall constitute a separate offense.

If the operator of the junkyard or the owner of the property upon which it is located, as the case may be, shall not be found or refuses receipt of the notice, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the property upon which it is located with a notice that the junkyard constitutes a public nuisance and that the junk thereon must be removed as in this act provided. If the notice is not complied with, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police

of any city or town shall abate the nuisance and remove the junk, and for that purpose may enter upon private property without incurring liability for so doing.

NEW SECTION. Sec. 8. The commission is hereby authorized to enter into agreements with the United States secretary of transportation as provided in Title 23 United States Code, relating to the control of junkyards in areas adjacent to the interstate and primary systems, and to take action in the name of the state to comply with the terms of such agreement.

NEW SECTION. Sec. 9. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 21, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

---

CHAPTER 102

[Substitute Senate Bill No. 90]

PUBLIC RECORDS--LEGISLATIVE RECORDS

AN ACT Relating to public records; amending section 1, chapter 246, Laws of 1957 and RCW 40.14.010; and creating new sections.

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

Section 1. Section 1, chapter 246, Laws of 1957 and RCW 40.14.010 are each amended to read as follows:

As used in this chapter, the term "public records" shall include any paper, correspondence, form, book, photograph, film, sound recording, map drawing, or other document, regardless of physical form or characteristics, and including all copies thereof, that have been made by or received by any agency of the state of Washington ~~((or received by it))~~ in connection with the transaction of public business, and legislative records as described in section 2 of this 1971 amendatory act.

For the purposes of this chapter, public records shall be classified as follows:

(1) Official public records shall include all original vouchers, receipts and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which the state of Washington or any agency thereof may be a party; all fidelity, surety