

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.

NEW SECTION. Sec. 27. If any provision of this 1971 act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this 1971 act which can be given effect without the invalid provision or application, and to this end the provisions of this 1971 act are severable.

If any method of notification provided for in this 1971 act is held invalid, service as provided for by the laws of the state of Washington for service of process in a civil action shall be substituted for the method held invalid.

NEW SECTION. Sec. 28. Section 17, chapter 173, Laws of 1969 ex. sess. and RCW 74.20.292 are hereby repealed. Said repeal is not intended to affect any existing or accrued right or any action or proceeding already taken or instituted, or any rule, regulation or order already promulgated or administrative action already taken. Said repeal is not intended to revive any law heretofore repealed.

Passed the House March 29, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

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CHAPTER 165

[Engrossed House Bill No. 575]

JUVENILE PROBATION SERVICES--

BASE COMMITMENT RATE

AN ACT Relating to probation services; amending section 5, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.050; and declaring an emergency.

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

Section 1. Section 5, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.050 are each amended to read as follows:

No county shall be entitled to receive any state funds provided by this chapter until its application is approved, and unless and until the minimum standards prescribed by the department of ~~((institutions))~~ social and health services are complied with and then only on such terms as are set forth hereafter in this section.

(1) A base commitment rate for each county and for the state as a whole shall be calculated by the department of ~~((institutions))~~ social and health services. The base commitment rate shall be

determined by computing the ratio of the number of juveniles committed to state juvenile correctional institutions plus the number of juveniles who have been convicted of felonies and committed to state correctional institutions after a juvenile court has declined jurisdiction of their cases and remanded them for prosecution in the superior courts, to the county population, such ratio to be expressed in a rate per hundred thousand population, for each of the calendar years 1964 through 1968. The average of these rates for a county for the five year period or the average of the last two years of the period, whichever is higher, shall be the base commitment rate, as certified by the director: PROVIDED, That, a county may elect as its base commitment rate the average of the base commitment rates of all counties in the state over the last two years of the period described above. The county and state population shall be that certified as of April 1st of each year by the ((planning and community affairs agency; or such successor agency as shall be given responsibility by the 1969 legislature for the census functions of chapter 43-62 RCW)) office of program planning and fiscal management, such population figures to be provided to the ((director)) secretary of ((institutions)) social and health services not later than June 30th of each year.

(2) An annual commitment rate shall be calculated by the department at the end of each year for each participating county and for the state as a whole, in a like manner as provided in subsection (1).

(3) The amount that may be paid to a county pursuant to this chapter shall be the actual cost of the operation of a special supervision program or four thousand dollars multiplied by the "commitment reduction number", whichever is the lesser. The "commitment reduction number" is obtained by subtracting (a) the product of the most recent annual commitment rate and population of the county for the same year from (b) the product of the base commitment rate and population of the county for the same year employed in (a).

(4) The ((director)) secretary of ((institutions)) social and health services will reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in reducing the annual commitment rate from its base commitment rate. Whenever a claim made by a county pursuant to this chapter, covering a prior year, is found to be in error, an adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(5) In the event a participating county earns in a payment period less than one-half of the sum paid in the previous

((year)) payment period because of extremely unusual circumstances claimed by the county and verified by the ((director)) secretary of the department of ((institutions)) social and health services, the ((director)) secretary may pay to the county a sum ((equal to the prior year's payment)) not to exceed actual program expenditures, provided, however, that in subsequent ((years)) periods the county will be paid only the amount earned; PROVIDED, That the amendatory provisions of subsection (5) of this act may be applied to payment periods prior to the effective date of this act.

(6) Funds received by participating counties under this chapter shall not be used to replace local funds for existing programs for delinquent juveniles or to develop county institutional programs.

(7) Any county averaging less than thirty commitments annually during either the two year or five year period used to determine the base commitment rate as defined in subsection (1) above may:

(a) apply for subsidies under subsection (1); or

(b) as an alternative, elect to receive from the state the salary of one full-time additional probation officer unless the total number of juveniles placed on probation annually is twenty or fewer in which case the county may receive from the state one-half the salary of a full time officer.

(8) In the event a county chooses the alternative proposal in subsection (7), it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and is paid the salary referred to in this section in accordance with a salary schedule adopted by rule of the department and:

(a) if its base commitment rate is below the state average, its annual commitment rate does not exceed the base commitment rate for the entire state; or

(b) if its base commitment rate is above the state average, its annual commitment rate does not in the year exceed by five percent its own base commitment rate.

(9) Where any county does not have a juvenile probation officer, but obtains such services by agreement with another county or counties, or, where two or more counties mutually provide probation services by agreement for such counties, then under such circumstances the director may make the computations and payments under this chapter as though the counties served with probation services were one geographical unit.

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

Passed the House May 3, 1971.  
Passed the Senate April 30, 1971.  
Approved by the Governor May 20, 1971.  
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CHAPTER 166  
[House Bill No. 106]  
REGULATION OF ENDANGERED FISH AND WILDLIFE,  
DELETERIOUS EXOTIC FISH AND WILDLIFE,  
MANAGED MARINE MAMMALS, AND KILLER WHALES

AN ACT Relating to species of fish and wildlife; amending section 77.16.040, chapter 36, Laws of 1955 as amended by section 1, chapter 75, Laws of 1961 and RCW 77.16.040; adding new sections to chapter 77.08 RCW; adding a new section to 77.12 RCW; adding a new section to chapter 77.16 RCW; adding a new section to 77.32 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 77.08 RCW a new section to read as follows:

As used in this title or in any rule or regulation of the commission "endangered species of fish and wildlife" shall mean those species of fish and wildlife designated by rule or regulation of the commission as seriously threatened with extinction. Such rules or regulations of the commission shall include, but not be limited to, endangered species as so designated by the secretary of the interior on the date this 1971 amendatory act shall take effect: PROVIDED, That the commission may amend such rules and regulations to exclude any species of fish and wildlife from designation as an endangered species if the commission determines that the species is no longer endangered.

NEW SECTION. Sec. 2. There is added to chapter 77.08 RCW a new section to read as follows:

As used in this title or in any rule or regulation of the commission "deleterious exotic species of fish and wildlife" shall mean these species of fish and wildlife designated by rule or regulation of the commission as dangerous to the environment or native species of fish and wildlife of the state of Washington.

NEW SECTION. Sec. 3. There is added to chapter 77.16 RCW a new section to read as follows:

Except as authorized by permit or license lawfully issued by the director, or by rule or regulation of the commission, it shall be unlawful for any person to bring into the state, have in his possession within the state, have in his possession for sale or with