

and applied only for the purposes for which received. The governor shall allot the amounts in the spending plan as proposed by the state college or university by source of funds within any program by fiscal year: PROVIDED, That the governor may alter the amounts proposed in the following cases:

(1) When necessary to reflect legislative intent as set forth in the executive budget as accepted or modified by the legislature in the senate or house journals or in any formal communication from the legislative budget committee;

(2) When necessary to limit total state expenditures to available revenues as required by RCW 43.98.110(2); and

(3) When a state college or university proposes the expenditure of a resource not disclosed in the budget request submitted to the governor and legislature.

Passed the Senate March 12, 1971.

Passed the House April 21, 1971.

Approved by the Governor April 29, 1971.

Filed in Office of Secretary of State April 29, 1971.

CHAPTER 41

[Engrossed House Bill No. 415]

PESTICIDES--

DEPARTMENT OF SOCIAL AND HEALTH SERVICES,
POWERS AND DUTIES

AN ACT Relating to pesticides; setting forth the responsibility and authority of the department of social and health services in relation thereto; and creating new sections.

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

NEW SECTION. Section 1. The department of social and health services has responsibility to protect and enhance the public health and welfare. As a consequence, it must be concerned with both natural and artificial environmental factors which may adversely affect the public health and welfare. Dangers to the public health and welfare related to the use of pesticides require specific legislative recognition of departmental authority and responsibility in this area.

NEW SECTION. Sec. 2. For the purposes of this act pesticide means, but is not limited to:

(1) 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 of agriculture may declare to be a pest; or

(2) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; or

(3) 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; or

(4) Any fungicide, rodenticide, herbicide, insecticide, and nematocide.

NEW SECTION. Sec. 3. (1) The department of social and health services shall investigate all suspected human cases of pesticide poisoning and such cases of suspected pesticide poisoning of animals that may relate to human illness. In order to adequately investigate such cases, the department of social and health services shall have the power to:

(a) Take all necessary samples and human or animal tissue specimens for diagnostic purposes: PROVIDED, That tissue, if taken from a living human, shall be taken from a living human only with the consent of a person legally qualified to give such consent;

(b) Secure any and all such information as may be necessary to adequately determine the nature and causes of any case of pesticide poisoning.

(2) The state department of social and health services shall, by rule and regulation adopted pursuant to the Administrative Procedure Act, chapter 34.04 RCW, as it now exists or is hereafter amended, and, in any event, with due notice and a hearing for the adoption of permanent rules, establish procedures for the prevention of any recurrence of poisoning and the department shall immediately notify the department of agriculture and other appropriate agencies of the results of its investigation for such action as the department of agriculture or such other agencies deem appropriate. The notification of such investigations and their results may include recommendations for further action by the appropriate department or agency.

NEW SECTION. Sec. 4. (1) In any case where an emergency relating to pesticides occurs that represents a hazard to the public due to toxicity of the material, the quantities involved or the environment in which the incident takes place, such emergencies including but not limited to fires, spillage, and accidental contamination, the person or agent of such person having actual or constructive control of the pesticides involved shall immediately

notify the department of social and health services by telephone or the fastest available method.

(2) Upon notification or discovery of any pesticide emergency the department of social and health services shall:

(a) Make such orders and take such actions as are appropriate to assume control of the property and to dispose of hazardous substances, prevent further contamination, and restore any property involved to a nonhazardous condition. In the event of failure of any individual to obey and carry out orders pursuant to this section, the department of social and health services shall have all power and authority to accomplish those things necessary to carry out such order. Any expenses incurred by the department of social and health services as a result of intentional failure of any individual to obey its lawful orders shall be charged as a debt against such individual.

(3) In any case where the department of social and health services has assumed control of property pursuant to this act, such property shall not be reoccupied or used until such time as written notification of its release for use is received from the secretary of the department of social and health services or his designee. Such action shall take into consideration the economic hardship, if any, caused by having the department assume control of property, and release shall be accomplished as expeditiously as possible. Nothing in this act shall prevent a farmer from continuing to process his crops and/or animals provided that it does not endanger the public health.

(4) The department shall recognize the pesticide industry's responsibility and active role in minimizing the effect of pesticide emergencies and shall provide for maximum utilization of these services.

(5) Nothing in this act shall be construed in any way to infringe upon or negate the authority and responsibility of the department of agriculture in its application and enforcement of the Washington Pesticide Act, chapter 15.57 RCW and the Washington Pesticide Application Act, chapter 17.21 RCW. The department of social and health services shall work closely with the department of agriculture in the enforcement of this act and shall keep it appropriately advised.

NEW SECTION. Sec. 5. The department of social and health services shall investigate human exposure to pesticides, and in order to carry out such investigations shall have authority to secure and analyze appropriate specimens of human tissue and samples representing sources of possible exposure.

NEW SECTION. Sec. 6. In order effectively to prevent human illness due to pesticides and to carry out the requirements of this act, the department of social and health services is authorized to

provide technical assistance and consultation regarding health effects of pesticides to physicians and other agencies, and is authorized to operate an analytical chemical laboratory and may provide analytical and laboratory services to physicians and other agencies to determine pesticide levels in human and other tissues, and appropriate environmental samples.

Passed the House April 19, 1971.

Passed the Senate April 16, 1971.

Approved by the Governor April 29, 1971.

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CHAPTER 42
[Engrossed Senate Bill No. 925]
REVENUE AND TAXATION--
PROPERTY TAXES--
PROTEST--DELINQUENCY--
IRREGULARITY, NOTICE

AN ACT Relating to revenue and taxation; adding a new section to chapter 15, Laws of 1961 and to chapter 84.68 RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 15, Laws of 1961 and to chapter 84.68 RCW a new section to read as follows:

With respect to any action brought pursuant to this chapter 84.68 RCW to recover taxes paid in 1971 which are attributable to increases in the assessed valuation of property made on the January 1, 1970 assessment rolls, it shall not be a prerequisite that such taxes or any portion thereof be paid under protest as provided in RCW 84.68.020.

NEW SECTION. Sec. 2. Any portion of the first half real property taxes otherwise due and payable on or before April 30, 1971, which, as allowed by and in accordance with the terms of a supreme court temporary injunction or restraining order, is paid after April 30, 1971, but before October 31, 1971, shall be deemed to have been paid prior to April 30, 1971, for purposes of the delinquency interest or penalty provisions of RCW 84.56.020.

NEW SECTION. Sec. 3. In the event any court decision holds any evaluation procedure or action to have been improperly performed, the county assessor shall notify all property owners whose valuation is affected of such decision and the effect on their evaluation for tax purposes.

NEW SECTION. Sec. 4. The provisions of this act shall have