

land, the ((director)) department shall have the right to establish specifications or standards for said fence or wall: PROVIDED, HOWEVER, That such wall or fence shall be painted or stained a neutral shade which shall blend in with the surrounding premises, and that such wall or fence must 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.

Sec. 10. Section 46.80.150, chapter 12, Laws of 1961, as last amended by section 5, chapter 13, Laws of 1967 ex. sess. and RCW 46.80.150 are each amended to read as follows:

It shall be the duty of the chiefs of police in cities having a population of over five thousand persons, and in all other cases members of the Washington state patrol, to make periodic inspection of the motor vehicle wrecker's premises and records provided for in this chapter, and furnish a certificate of inspection to the ((director)) department in such manner as may be determined by the ((director)) department: PROVIDED, That the above inspection in any instance can be made by an authorized representative of the department.

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Passed the House March 20, 1971.

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CHAPTER 8

[Engrossed Senate Bill No. 56]

CIVIL DEFENSE AND EMERGENCY SERVICES

AN ACT Related to civil defense and emergency services; amending section 13, chapter 178, Laws of 1951 as amended by section 1, chapter 210, Laws of 1955 and RCW 38.52.110; amending section 11, chapter 178, Laws of 1951 as amended by section 1, chapter 145, Laws of 1953 and RCW 38.52.180; amending section 5, chapter 223, Laws of 1953 and RCW 38.52.220; and adding new sections to chapter 178, Laws of 1951 and to chapter 38.52 RCW.

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

Section 1. Section 13, chapter 178, Laws of 1951 as amended by section 1, chapter 210, Laws of 1955 and RCW 38.52.110 are each amended to read as follows:

(1) In carrying out the provisions of this chapter, the governor and the executive heads of the political subdivisions of the

state are directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state, ~~((and of the))~~ political subdivisions, and all other municipal corporations thereof including but not limited to districts and quasi municipal corporations organized under the laws of the state of Washington to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the civil defense organizations of the state upon request notwithstanding any other provision of law.

(2) The governor, the chief executive of counties, cities and towns and the civil defense directors of local political subdivisions appointed in accordance with this chapter, in the event of a disaster, after proclamation by the governor of the existence of such disaster, shall have the power to command the service and equipment of as many citizens as considered necessary in the light of the disaster proclaimed: PROVIDED, That citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by this chapter and federal and state civil defense regulations for registered civil defense workers.

Sec. 2. Section 11, chapter 178, Laws of 1951 as amended by section 1, chapter 145, Laws of 1953 and RCW 38.52.180 are each amended to read as follows:

(1) There shall be no liability on the part of anyone including any person, partnership, corporation, the state of Washington or any political subdivision thereof who owns or maintains any building or premises which have been designated by a local organization for civil defense as a shelter from destructive operations or attacks by enemies of the United States for any injuries sustained by any person while in or upon said building or premises, as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge therein during destructive operations or attacks by enemies of the United States or during tests ordered by lawful authority, except for an act of wilful negligence by such owner or occupant or his servants, agents, or employees.

(2) All legal liability for damage to property or injury or death to persons (except a civil defense worker, regularly enrolled and acting as such), caused by acts done, or attempted, under the color of this chapter in a bona fide attempt to comply therewith shall be the obligation of the state of Washington. Suits may be instituted and maintained against the state for the enforcement of

such liability, or for the indemnification of persons appointed and regularly enrolled as civil defense workers while actually engaged in civil defense duties, or as members of any agency of the state or political subdivision thereof engaged in civil defense activity, or their dependents, for damage done to their private property, or for any judgment against them for acts done in good faith in compliance with this chapter: PROVIDED, That the foregoing shall not be construed to result in indemnification in any case of wilful misconduct, gross negligence or bad faith on the part of any agent of civil defense: PROVIDED, That should the United States or any agency thereof, in accordance with any federal statute, rule or regulation, provide for the payment of damages to property and/or for death or injury as provided for in this section, then and in that event there shall be no liability or obligation whatsoever upon the part of the state of Washington for any such damage, death, or injury for which the United States government assumes liability.

(3) Any requirement for a license to practice any professional, mechanical or other skill shall not apply to any authorized civil defense worker who shall, in the course of performing his duties as such, practice such professional, mechanical or other skill during an ((civil defense)) emergency described in this chapter.

(4) The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this chapter, or under the workmen's compensation law, or under any pension or retirement law, nor the right of any such person to receive any benefits or compensation under any act of congress.

Sec. 3. Section 5, chapter 223, Laws of 1953 and RCW 38.52.220 are each amended to read as follows:

Said compensation board shall meet on the call of its chairman on a regular monthly meeting day when there is business to come before it. The chairman shall be required to call a meeting on any monthly meeting day when any claim for compensation under this chapter has been submitted to the board: PROVIDED, That as to claims involving amounts of five hundred dollars or less, the local organization director shall submit recommendations directly to the state without convening a compensation board.

NEW SECTION. Sec. 4. There is added to chapter 178, Laws of 1951 and to chapter 38.52 RCW a new section to read as follows:

All claims against the state for property damages or indemnification therefor arising from civil defense related activities will be presented to and filed with the state auditor within one hundred twenty days from the date the claim arose. Contents of all such claims shall conform to the tort claim filing

requirements found in RCW 4.92.100 as now or hereafter amended.

NEW SECTION. Sec. 5. There is added to chapter 178, Laws of 1951 and to chapter 38.52 RCW a new section to read as follows:

The director of the state department of civil defense, with the approval of the attorney general, may consider, ascertain, adjust, determine, compromise and settle property loss or damage claims arising out of conduct or circumstances for which the state of Washington would be liable in law for money damages of five hundred dollars or less. The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant; and upon the state of Washington, unless procured by fraud, and shall constitute a complete release of any claim against the state of Washington. A request for administrative settlement shall not preclude a claimant from filing court action pending administrative determination, or limit the amount recoverable in such a suit, or constitute an admission against interest of either the claimant or the state.

NEW SECTION. Sec. 6. There is added to chapter 178, Laws of 1951 and to chapter 38.52 RCW a new section to read as follows:

The governor, or upon his direction, the state civil defense director, or any political subdivision of the state, is authorized to contract with any person, firm, corporation, or entity to provide construction or work on a cost basis to be used in civil defense functions or activities as defined in RCW 38.52.010(1) or as hereafter amended, said functions or activities to expressly include natural disasters, as well as all other emergencies of a type contemplated by this 1971 amendatory act. All funds received for purposes of this 1971 amendatory act, whether appropriated funds, local funds, or from whatever source, may be used to pay for the construction, equipment, or work contracted for under this section.

NEW SECTION. Sec. 7. There is added to chapter 178, Laws of 1951 and to chapter 38.52 RCW a new section to read as follows:

Notwithstanding any other provision of law, no person, firm, corporation, or other entity acting under the direction or control of the proper authority to provide construction, equipment, or work as provided for in this 1971 amendatory act while complying with or attempting to comply with this 1971 amendatory act or any rule or regulation promulgated pursuant to the provisions of this 1971 amendatory act shall be liable for the death of or any injury to persons or damage to property as a result of any such activity: PROVIDED, That said exemption shall only apply where all of the following conditions occur:

(1) Where, at the time of the incident the worker is performing services as a civil defense worker, and is acting within the course of his duties as a civil defense worker;

(2) Where, at the time of the injury, loss, or damage, the organization for civil defense which the worker is assisting is an approved organization for civil defense;

(3) Where the injury, loss, or damage is proximately caused by his service either with or without negligence as a civil defense worker;

(4) Where the injury, loss, or damage is not caused by the intoxication of the worker; and

(5) Where the injury, loss, or damage is not due to wilful misconduct or gross negligence on the part of a worker.

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CHAPTER 9

[Senate Bill No. 172]

EMINENT DOMAIN--

DISPLACED PERSONS--

SUPPLEMENTAL RENT PAYMENTS

AN ACT Relating to eminent domain; and amending section 13, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.170.

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

Section 1. Section 13, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.170 are each amended to read as follows:

No payment received by a displaced person under RCW 8.25.040 through 8.25.060 and 8.25.080 through 8.25.930 shall be considered as income for the purposes of any personal income tax or any tax imposed under Title 82 RCW as now or hereafter amended. Such payments shall not be considered as income or resources, and such payments shall not be deducted from any amount which any recipient would otherwise be entitled, under Title 74 RCW, as now or hereafter amended: PROVIDED, That supplemental rent payments paid under this chapter may be considered in determining the amount of public assistance to which a recipient may be entitled to the extent that there is or would be a duplication of a shelter allowance as established by the public assistance standards.

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