

projects involving inmate labor at a state institution: PROVIDED FURTHER, That it is the intent of the legislature that in any decision to contract for capital projects funded as the result of this act, full and fair consideration shall be given to minority contractors.

NEW SECTION. Sec. 30. 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.

NEW SECTION. Sec. 31. 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 June 9, 1975.

Passed the Senate June 9, 1975.

Approved by the Governor July 2, 1975 with the exception of a certain item which is vetoed.

Filed in Office of Secretary of State July 2, 1975.

Note: Governor's explanation of item veto is as follows:

"I am returning herewith without my approval as to one item Substitute House Bill No. 206 entitled:

"AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects."

In section 19, beginning on page 45, I have vetoed the proviso beginning on line 33 and ending on line 1, page 46, which prohibits the expenditure of funds for planning or construction of occupational skill centers.

This proviso apparently arises out of legislative concern over potential duplication of effort in the area of vocational education. This same concern was a major reason for the enactment of Substitute Senate Bill No. 2463 (Chapter 174, Laws of 1975 1st ex. sess.), and the Commission on Vocational Education established by that act should be permitted to determine whether such duplication exists. Enactment of the prohibition in this proviso is therefore premature at this time.

With the exception of the foregoing proviso which I have vetoed for the reasons stated, the remainder of the bill is approved."

CHAPTER 277

[Substitute House Bill No. 211]

BUSINESS REGULATIONS—FARM IMPLEMENTS, MACHINERY AND REPAIR PARTS

AN ACT Relating to business regulations; adding a new chapter to Title 19 RCW; and providing an effective date.

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

NEW SECTION. Section 1. Whenever any person, firm, or corporation engaged in the retail sale of farm implements and repair parts therefor enters into a written contract with any wholesaler, manufacturer, or distributor of farm implements, machinery, attachments, accessories, or repair parts whereby such retailer agrees to maintain a stock of parts or complete or whole machines, attachments, or accessories, and either party to such contract desires to cancel or discontinue the contract, unless the retailer should desire to keep such merchandise the manufacturer, wholesaler, or distributor shall pay the retailer for the merchandise.

Such payment shall be in the amount of one hundred percent of the net cost of all current unused complete farm implements, machinery, attachments, and accessories, including transportation charges paid by the retailer, and eighty-five percent of the current net prices on repair parts, including superseded parts listed in current price lists or catalogs which parts had previously been purchased from such wholesaler, manufacturer, or distributor and held by such retailer on the date of the cancellation or discontinuance of such contract or thereafter received by such retailer from the wholesaler, manufacturer, or distributor. The wholesaler, manufacturer, or distributor shall also pay such retailer a sum equal to five percent of the current net price of all parts returned for the handling, packing, and loading of such parts for return: PROVIDED, That the provisions of this section shall apply only to repair parts which are new, unused, and in good condition. Upon the payment of such amounts, the title to such farm implements, farm machinery, attachments, accessories, or repair parts, shall pass to the manufacturer, wholesaler, or distributor making such payment, and such manufacturer, wholesaler, or distributor shall be entitled to the possession of such merchandise.

The provisions of this section shall apply to any annual part return adjustment agreement made between a seller or retailer and a manufacturer, wholesaler, or distributor.

The provisions of this section shall be supplemental to any agreement between the retailer and the manufacturer, wholesaler, or distributor covering the return of farm implements, machinery, attachments, accessories, and repair parts so that the retailer can elect to pursue either his contract remedy or the remedy provided herein, and an election by the retailer to pursue his contract remedy shall not bar his right to the remedy provided herein as to those farm implements, machinery, attachments, accessories, and repair parts not affected by the contract remedy.

The provisions of this section shall apply to all contracts now in effect which have no expiration date and are a continuing contract, and all other contracts entered into or renewed after January 1, 1976. Any contract in force and effect on January 1, 1976, which by its own terms will terminate on a date subsequent thereto shall be governed by the law as it existed prior to this chapter: PROVIDED, That no contract covered by this chapter may be cancelled by any party without good cause. Good cause shall include, but shall not be restricted to, the failure of any party to comply with the lawful provisions of the contract, the adjudication of any party to a contract as a bankrupt, wrongful refusal of manufacturer, wholesaler, or distributor to supply farm machinery, farm implements and repair parts therefor.

NEW SECTION. Sec. 2. All repurchase payments to retailers and sellers made pursuant to section 1 of this 1975 act shall be less amounts owed on any lien or claim then outstanding upon such items covered by this section. Any wholesaler, manufacturer, or distributor making repurchase payments covered by this chapter to any retailer or seller shall satisfy such secured liens or claims pursuant to chapter 62A.9 RCW less any interest owed to the lienholder arising from the financing of such items which shall be paid to any such secured lienholder by the retailer or seller. In no case shall the wholesaler, manufacturer, or distributor, in making payments covered by section 1 of this 1975 act, pay in excess of those amounts prescribed therein.

NEW SECTION. Sec. 3. The prices of farm implements, machinery and repair parts therefor, required to be paid to any retail dealer as provided in section 1 of this 1975 act shall be determined by taking one hundred percent of the net cost on farm implements, machinery, and attachments, and eighty-five percent of the current net price of repair parts therefor as shown upon the manufacturer's, wholesaler's, or distributor's price lists or catalogues in effect at the time such contract is canceled or discontinued.

NEW SECTION. Sec. 4. In the event that any manufacturer, wholesaler, or distributor of farm machinery, farm implements, and repair parts therefor, upon cancellation or discontinuation of a contract by either a retailer or a manufacturer, wholesaler, or distributor, fails or refuses to make payment to such dealer as is required by section 1 of this 1975 act, such manufacturer, wholesaler, or distributor shall be liable in a civil action to be brought by such retailer for such payments as are required by section 1 of this 1975 act.

NEW SECTION. Sec. 5. Sections 1 through 4 of this 1975 act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 6. This act shall take effect on January 1, 1976.

NEW SECTION. 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.

Passed the House June 5, 1975.

Passed the Senate June 3, 1975.

Approved by the Governor July 2, 1975.

Filed in Office of Secretary of State July 2, 1975.

CHAPTER 278

[House Bill No. 354]

TAXATION—CONFORMING STATUTES TO REFLECT GOVERNMENTAL REORGANIZATION

AN ACT Relating to conforming state statutes to reflect the transfer of powers, duties and functions from the state tax commission to the department of revenue or to the board of tax appeals; amending section 11.08.160, chapter 145, Laws of 1965 and RCW 11.08.160; amending section 11.08.170, chapter 145, Laws of 1965 and RCW 11.08.170; amending section 11.08.180, chapter 145, Laws of 1965 and RCW 11.08.180; amending section 11.08.200, chapter 145, Laws of 1965 and RCW 11.08.200; amending section 11.08.210, chapter 145, Laws of 1965 and RCW 11.08.210; amending section 11.08.220, chapter 145, Laws of 1965 and RCW 11.08.220; amending section 11.08.230, chapter 145, Laws of 1965 and RCW 11.08.230; amending section 11.08.240, chapter 145, Laws of 1965 and RCW 11.08.240; amending section 11.08.260, chapter 145, Laws of 1965 and RCW 11.08.260; amending section 11.76.220, chapter 145, Laws of 1965 and RCW 11.76.220; amending section 11.76.240, chapter 145, Laws of 1965 and RCW 11.76.240; amending section 11.76.245, chapter 145, Laws of 1965 and RCW 11.76.245; amending section 8, chapter 286, Laws of 1957 and RCW 19.91.080; amending section 13, chapter 286, Laws of 1957 and RCW 19.91.130; amending section 14, chapter 286, Laws of 1957 and RCW 19.91.140; amending section 15, chapter 286, Laws of 1957 and RCW 19.91.150; amending section 18, chapter 286, Laws of 1957 and RCW 19.91.180; amending section 1, chapter 85, Laws of 1965 and RCW 23.01.226; amending section 5, chapter 280, Laws of 1961 and RCW 30.20.100; amending section 12, chapter 176, Laws of 1963 and RCW 32.12.110; amending section 36.38.020, chapter 4, Laws of 1963 and RCW 36.38.020; amending section 35.42.090, chapter 7, Laws of 1965 and RCW 35.42.090; amending section 1, chapter 207, Laws of 1909 as last amended by section 2, chapter 70, Laws of 1967 and RCW 39.08.010; amending section 43.38.040, chapter 8, Laws of 1965 and RCW 43.38.040; amending section 43.62.040, chapter 8, Laws of 1965 and RCW 43.62.040; amending section